

1 IN THE UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF MARYLAND

3 UNITED STATES OF AMERICA,)
4 Plaintiff,)
5 vs.)) CRIMINAL NO.: JKB-16-0363
6 GERALD JOHNSON, et al.,)) Jury Trial: Volume 4
7 Defendant.))
8 _____)

9 Transcript of Proceedings
10 Before the Honorable James K. Bredar
11 Tuesday, November 28th, 2017
12 Baltimore, Maryland

13 For the Plaintiff:

14 Peter J. Martinez, AUSA

15 Christina A. Hoffman, AUSA

16 For Defendant Gerald Johnson:

17 Paul F. Enzinna, Esquire

18 Jeffrey B. O'Toole, Esquire

19 For Defendant Kenneth Jones:

20 Alan R.L. Bussard, Esquire

21 For Defendant Marquise McCants:

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1 P R O C E E D I N G S
23 THE COURT: Good morning. Are we ready for the
4 jury, Mr. Martinez?5 MR. MARTINEZ: Just one brief issue I would like to
6 put on the record. As the Court may recall, I was a little
7 wayward in my numbering of exhibits yesterday, so I wanted to
8 correct the numbering of two that came in. We introduced one
9 as GP1 that ought to be Government's Exhibit 41. And then
another is GP4, that ought to be Government's Exhibit 44.

10 MS. HOFFMAN: And if I could just --

11 THE COURT: Hold on a second. Ms. Powell.

12 THE CLERK: Got it, Your Honor.

13 THE COURT: Got both of those. All right. So we're
14 going to still -- we've got some that are just
15 Government Exhibit and then a number, and then we've got some
16 that have letters, like PH and that sort of thing, in front of
17 them.18 MR. MARTINEZ: That's correct, and I think
19 Ms. Hoffman can explain the system.20 MS. HOFFMAN: Yeah. So all of the physical original
21 exhibits have simply numbers. And so the exhibits that
22 Mr. Martinez used yesterday were the actual originals, which
23 is why they just have numbers with no prefixes, no letter
24 prefixes. The photographs of these same things will be
25 labeled -- for instance, if this is 41, then the photo of it

1 will be PHE 41. So that's the way the numbering system works.

2 And the revised exhibit lists that we've passed out
3 should have everything on them. Like I said, it's
4 alphabetical order for the letter prefixes, and then within
5 each category, it's numbered 1 through however many numbers
6 there are.

7 THE COURT: So the exhibits that don't have letter
8 prefixes, they're near the back of the list.

9 MS. HOFFMAN: Yes, they're at the end.

10 THE COURT: 1, 2A, 2B, 2C.

11 MS. HOFFMAN: Along with the audio-video exhibits,
12 which are labeled CD 1 through 12. Those are at the end,
13 since there's only one of each. Those are unique physical
14 exhibits.

15 THE COURT: All right. Got it. Any questions from
16 defense counsel about how those government exhibits are now
17 organized?

18 MR. O'TOOLE: Yes, but I'm sure I'll figure it out.
19 Thank you.

20 THE COURT: Well, let's make sure we don't have any
21 ambiguities or misunderstandings. If there are any, bring
22 them to my attention. Otherwise, the way that the government
23 has now elected to organize their exhibits is acceptable to
24 the Court.

25 Anything else we need to address outside the jury's

1 hearing?

2 MR. MARTINEZ: Not from us.

3 THE COURT: Let me see counsel at the bench briefly.
4 Husher.

5 (Sealed bench conference redacted.)

6 THE COURT: Let's bring them in. Back on the
7 record. We were always on the record. Back on the unsealed
8 record.

9 (Jury entered the courtroom.)

10 THE COURT: Good morning, ladies and gentlemen.
11 Thank you for being so prompt. I'm sorry that we do not
12 reciprocate and we're not prompt with you, but I assure you
13 that it's not just because we're late for court. We're
14 actually working. There's a lot that goes on in a trial that
15 a jury does not participate in, and I can't anticipate exactly
16 when or how that's going to occur. All I can do is ask for
17 your patience as we go along.

18 I try my hardest to make sure that we do not have
19 you back there just cooling your heels and wasting your time.
20 But trials being what they are, there's no way to avoid the
21 fact that there is some inefficiency in this process. So I
22 apologize to you for it. I can't promise that it won't happen
23 again. It does occur of necessity. But we're now ready to
24 carry on with the cross-examination of Mr. Gray by
25 Mr. O'Toole, which is where we left off last night.

1 Mr. O'Toole, are you ready to continue?

2 MR. O'TOOLE: I am, Your Honor. Thank you very
3 much.

4 THE COURT: And Mr. Gray, you remain under oath.

5 TIMOTHY MICHAEL GRAY,
6 called as a witness, being previously duly sworn, was examined
7 and testified as follows:

8 CROSS-EXAMINATION

9 BY MR. O'TOOLE:

10 Q Mr. Gray, good morning, sir.

11 A Good morning.

12 Q Mr. Gray, yesterday we spoke generally and a little bit
13 specifically about some acts of violence in your past. Do you
14 remember that testimony?

15 A Yes.

16 Q All right. And we talked about some things that happened
17 when you were in the Cut; right?

18 A Yes.

19 Q And there was a discussion about taking care of one of
20 the young bucks from the YGF and we talked about that violent
21 act; correct?

22 A Yes.

23 Q All right. I'd like to discuss some of the other acts of
24 violence that might have been in your past. We started
25 with -- you talked to Mr. Martinez yesterday about the word

Cross-examination - Gray (By Mr. O'Toole)

1 "green-lighting." Now, green-lighting --

2 A No. That word never came up yesterday.

3 Q It never was asked? Okay.

4 Now I'm going to ask you now: Would you agree that
5 green-lighting was a word in your vocabulary that meant
6 authorizing a hit or putting a hit on somebody?

7 A Yes.

8 Q All right.

9 THE COURT: So Mr. Gray, I'm going to ask you, slide
10 that chair up a little bit further. Our microphone is
11 probably not as good as it should be. That will help. Thank
12 you.

13 Q (BY MR. O'TOOLE) So if somebody wanted to -- or you
14 wanted somebody killed, you would green-light that act;
15 correct?

16 A Yes.

17 Q All right. And isn't it true that in your time in the
18 street or maybe in the prison, you had an occasion to
19 green-light as many as 30 to 40 such hits?

20 A No.

21 Q Pardon me?

22 A No.

23 Q You -- are you saying you did not say that?

24 A Yeah, I did not say that.

25 Q You've not done that --

Cross-examination - Gray (By Mr. O'Toole)

1 MR. O'TOOLE: Court's indulgence for a second. I'm
2 going to approach, Your Honor.

3 THE COURT: Yes.

4 MR. O'TOOLE: I'm going to --

5 MR. MARTINEZ: Can I see that -- actually, Counsel,
6 can I see what you're going to --

7 THE COURT: Give him that opportunity.

8 MR. MARTINEZ: Actually, Your Honor, may we
9 approach?

10 THE COURT: Yes.

11 (Bench conference on the record.)

12 THE COURT: You're attempting to refresh his
13 recollection or impeach him?

14 MR. O'TOOLE: Refresh his recollection.

15 THE COURT: Okay.

16 MR. MARTINEZ: Okay. That's what I wanted to --
17 because it's a 302 and I thought where we were going -- when
18 he first went up with the document, was he was going to
19 impeach him with a trial transcript.

20 MR. O'TOOLE: No. I wanted to show him the document
21 and ask him if it refreshes his recollection.

22 THE COURT: Okay. Just indulge me and do the drill
23 the right way.

24 MR. O'TOOLE: I apologize.

25 THE COURT: You didn't do anything wrong. You have

Cross-examination - Gray (By Mr. O'Toole)

1 nothing to apologize for --

2 (The following proceedings were had in open court.)

3 Q (BY MR. O'TOOLE) Mr. Gray, I asked you whether it was
4 true whether you had green-lighted 30 or 40 hits in the past
5 and you said that's not true. You don't remember whether that
6 was true?

7 A Yeah.

8 Q Let me show you a document and ask you to read it to
9 yourself, not to anybody else. And this is -- this and that
10 part to yourself. Look up when you're done.

11 Are you done?

12 A Uh-huh.

13 Q I ask you, does that refresh your recollection?

14 A Yes.

15 Q I'll ask you again: Is it true that you, in your past,
16 green-lighted as many as 30 to 40 hits?

17 A Yes.

18 Q And a hit means again, an act of violence?

19 A Yes.

20 Q All right. We'll go through some of those, if you don't
21 mind. Do you recall -- I want to talk to you a little bit
22 about the killing of a gentleman by the name of Mr. Austin.

23 Do you remember that?

24 A Yes.

25 Q Isn't it true that Mr. Austin was in BGF?

1 A Yes.

2 Q And he had killed somebody in the back seat of a car;
3 correct?

4 A Yes.

5 Q Popped somebody in the head and killed him; correct?

6 A Yeah. I don't know if he did that or not, but --

7 Q All right. And you found out that in a day or two; isn't
8 it correct, that he got picked up on something else and then
9 made a report to the police about the killing in the back seat
10 of the car?

11 A No.

12 Q Isn't that correct?

13 A He said he let somebody use his car.

14 Q All right. But he talked to the police about it; didn't
15 he?

16 A Yes.

17 Q As a result of that, you authorized or green-hitted --
18 green-lighted a hit on Mr. Austin and he was killed; isn't
19 that correct?

20 A No. I told the dude that he told on that if he didn't
21 want to go to jail, do what he got to do.

22 Q You didn't use the word "kill," you said, "do what you
23 got to do"; right?

24 A My exact words were "do what you do."

25 Q Right. Do what you do. And he was killed, Mr. Austin

1 was killed?

2 A Yes.

3 Q All right. And he was a BGF member?

4 A Yes.

5 Q And that was a sanction for talking to the police?

6 A Oh, it was an option.

7 Q I'm sorry?

8 A That was an option that the dude that he told on could
9 did whatever he wanted to do or did what he do.

10 Q All right. So was it your practice, instead of using the
11 word "killed" to use "do what you got to do"; is that right?

12 A Yeah, I ain't never told nobody to kill nobody. I tell
13 you do what you do.

14 Q Right.

15 A If you cooperated with the police, go cooperate with the
16 police.

17 Q Right. And if somebody was going to go kill somebody,
18 you said "go do what you do"?

19 A Yes.

20 Q So you didn't say "go kill somebody," you would say "go
21 do what you got to do"?

22 A No, I would say "do what you do."

23 Q Do what you --

24 A Do what you do.

25 Q All right. And then coincidentally, or not so

1 coincidentally, that person or victim would show up dead or
2 injured the next --

3 A Or not.

4 Q Or not, right. All right. Do you remember the killing
5 of a man named Box, whose real name was Larry Henderson?

6 A Yes.

7 Q All right. Now, was that one of the green-lights that
8 you did, Mr. Box?

9 A No.

10 Q Did you authorize Spence to do what he does?

11 A Yes. I told him do what you do. He came to me with a
12 problem, I told him do what you do.

13 Q What was the problem?

14 A He had a problem with Box.

15 Q All right. And he came to you and asked if he could do
16 what he does?

17 A Yeah, he said he had a beef with him.

18 Q All right. You said okay?

19 A Do what you do. No, I told him do what you do.

20 Q And Box got killed?

21 A Basically, I'm asking, "What are you telling me for?
22 You're a grown man, do whatever you do."

23 Q Right. But if you didn't want it done, you would have
24 said don't do it.

25 A If I didn't want it done, if I cared anything about the

1 situation, I would have told him don't do it.

2 Q Right. So he said to you "I want to do it," you said "do
3 what you do," and he ends up dead, you green-lighted that
4 killing?

5 A No, I didn't. I told him do whatever he wanted to do.

6 Q All right. And if he ends up dead, that's just what he
7 wanted to do?

8 A Yeah, that's what he wanted to do. He's a grown man.
9 These grown men we're talking about.

10 Q Right.

11 A Okay.

12 Q You could have stopped it by saying don't do that?

13 A No, I couldn't have.

14 Q You could have --

15 A Listen, he's a grown man. He makes choices of his own.

16 Q Let's get this straight. If Spence came to you in this
17 case and said, "I want to take care of Box, I got a beef with
18 Box," and you said, "Don't do it," and if Spence did it
19 anyway, that would be a violation of his direct order;
20 correct?

21 A Yes.

22 Q All right. Let me ask you about a shooting of a guy
23 named Tone Bone. Do you remember that guy?

24 A No.

25 Q Tone Bone, that it was authorized on Greenmount and you

1 said to one of the fellows, "do what you do," and Tone ended
2 up getting shot?

3 A No.

4 Q All right. I'm going to hand you another document.

5 Same routine, please read it to yourself, look up when
6 you're done.

7 Is that -- does that refresh your recollection?

8 A That's exactly what I said. It said --

9 THE COURT: Don't read the document. You can't read
10 the document.

11 THE WITNESS: Read what you -- you read it.

12 Tone Bone didn't shoot -- didn't get shot.

13 THE COURT: Wait for the question. Mr. O'Toole
14 will ask you a question.

15 Q (BY MR. O'TOOLE) Mr. Gray, did you authorize somebody to
16 shoot Tone Bone?

17 A No.

18 Q All right. Did Tone Bone get shot?

19 A No.

20 Q All right. Now, what you just read, that didn't refresh
21 your memory?

22 A What I just read was Tone Bone shot somebody.

23 Q Right. All right. Then --

24 A He didn't get shot.

25 Q Then I have it backwards. Did you authorize Tone Bone to

1 shoot somebody?

2 A No.

3 Q So what happened? Tell us about Tone Bone.

4 A I -- I barely even know who Tone Bone is.

5 Q All right. Let's move on to the next one. Let me ask
6 you about a guy named Noodles, his real name is Asia Carter.
7 Do you remember Noodles?

8 A Yes.

9 Q Did you shoot Noodles?

10 A Yes, I've shot him before.

11 Q All right. And did you kill him?

12 A No.

13 Q What happened to Noodles?

14 A He got killed.

15 Q By?

16 A The FBI don't know.

17 Q All right. But you didn't kill him?

18 A No.

19 Q But you shot him?

20 A Before.

21 Q Right. You shot him with a gun; right?

22 A Before.

23 Q All right. Before he was dead by somebody else?

24 A Exactly.

25 Q All right. I want to ask you about a gentleman by the

1 name of Chunk -- Chuck, rather, Chuck. Is it true that Chuck
2 requested an authorization to shoot somebody in the Bloods
3 gang?

4 A I don't even know who Chuck is.

5 Q I'm going to show you a document and ask you if that
6 refreshes your recollection, your memory on who Chuck is.
7 This is a little bit longer.

8 I'll show you a document, same routine. If you would
9 read it yourself and look up when you're done, recalling that
10 I asked you about whether you remembered authorizing a hit for
11 Chuck on his behalf.

12 A Yes.

13 Q Does that refresh your recollection?

14 A Yes.

15 Q I'll ask you, did there come a time -- do you remember
16 the time when you authorized a hit on behalf of a fellow named
17 Chuck?

18 A Yes.

19 Q All right. So somebody came to you and said, "I want to
20 kill somebody," and you said, "It's okay, have it -- or do
21 what you do"?

22 A No, I actually told Chuck to go ahead and kill him.

23 Q All right. And that was somebody in the Bloods gang?

24 A Yes.

25 Q Did you know who the person was?

1 A No.

2 Q Did you know if he had a family?

3 A No.

4 Q Did you know anything about the person?

5 A No.

6 Q Sometimes killings were done of BGF members, weren't
7 they, as a sanction? You talked yesterday to Mr. Martinez --

8 A Yes.

9 Q -- about a sanction; correct?

10 A Yes.

11 Q All right. I want to ask you about a killing by Juke, a
12 killing that was done of a BGF member. Do you recall that
13 case where Juke, as an act against the BGF member and your
14 authority, killed somebody?

15 A Yes.

16 Q All right. You remember doing that?

17 A Yes.

18 Q Having that authorized?

19 A Yeah.

20 Q All right. Were you ever charged in that killing?

21 A No.

22 Q Did you tell the police about that?

23 A Yes.

24 Q All right. You testified yesterday with Mr. Martinez
25 about a letter that you wrote that was before the Bazemore

1 trial. Do you remember that?

2 A Yes.

3 Q And you were planning to be a -- you were pleading guilty
4 in that case, you told us, and you were planning to be a
5 witness in that Bazemore case; correct?

6 A Yes.

7 Q All right. And at some point before you had one of your
8 several briefings with the law enforcement, somebody found a
9 letter in your pocket that you were going to --

10 A I actually gave it to them.

11 Q You actually gave it to them. All right. It wasn't
12 patted down, found in your shirt.

13 A No, I gave it to them, physically gave it to them.

14 Q Who did you give it to?

15 A The FBI agent.

16 Q All right. So you gave them the letter, and you told
17 Mr. Martinez that the letter was written because you were in a
18 state of a little bit of fear about testifying against the
19 BGF; correct?

20 A Yes.

21 Q All right. So you were -- you were leading up to -- you
22 were about to snitch or you were about to tell on your
23 brothers --

24 THE COURT: Counsel, you may approach.

25 (Bench conference on the record.)

1 MR. O'TOOLE: Did I do something wrong?

2 THE COURT: No, you didn't. The word "snitch" is
3 complicated. I used to never permit it to be uttered by
4 anybody in court, but that became an unrealistic policy. And
5 in certain contexts, it's my view that when counsel are
6 describing testimony, describing other people's uses of the
7 word, that there's no getting around the use of it. Sometimes
8 that same policy ends up applying to profanity or to the
9 N-word, and sometimes it is appropriate because of the context
10 for counsel to actually utter the word "nigger" or "nigga" in
11 court. It's a subtle thing and I recognize it's a hard thing
12 to know sort of where the Court is going to draw the line with
13 respect to that issue.

14 But one thing that's clearly still over the line, in
15 my view, is for a lawyer to use a word like snitch directly.
16 In other words, the way that Mr. O'Toole just attempted to,
17 "so you were going to snitch." I don't permit that. You have
18 to use more lawyerly language in that context. You might say,
19 well, this really is about as clear as mud. I don't think so.
20 I trust counsel to understand exactly how I'm drawing the line
21 in that regard.

22 MR. O'TOOLE: I'll be happy never to use that word
23 again. In fact, I never had that understanding, but now I do
24 and I'll be happy to --

25 THE COURT: I'm not saying that there isn't a

1 circumstance where you're in argument or something that's
2 going on in context makes it appropriate, but use your good
3 judgment in that regard. But the casual use of that sort of
4 vernacular, I find demeans the process, and as a consequence,
5 don't let lawyers do it. Given the environment in which we're
6 operating, this isn't the sort of thing that you're going to
7 get a sanction for, and I can't even use that word anymore,
8 given its context. But you understand what I'm talking about.

9 MR. O'TOOLE: I do.

10 THE COURT: But I do ask counsel to help me try to
11 continue to operate a process in a way that is appropriate to
12 where we are and the law, despite the broader context, and
13 that's one way that you can do that. So please don't use the
14 word that way. That's a long explanation.

15 MR. O'TOOLE: No, it's fine. I totally agree with
16 you. I think I lowered myself unnecessarily. While we're
17 here, are there other words that you know of off the top of
18 your head that you could tell us to make sure we stay away
19 from? I'll be happy to do that.

20 THE COURT: What was the Carlin seven-words thing?
21 I can't remember all of those.

22 MR. O'TOOLE: Three of them have been used already
23 in this case.

24 THE COURT: But let's -- I think that the operating
25 assumption is that I expect you to talk like a lawyer, not

1 like someone whose life is on the street, unless and until the
2 circumstances make it clearly appropriate in terms of the
3 advocacy work that you have to do for your client to descend
4 into that language. Beyond that, it's pretty hard for me to
5 say.

6 MR. O'TOOLE: All right. Thank you.

7 (The following proceedings were had in open court.)

8 THE COURT: You may continue, Mr. O'Toole.

9 MR. O'TOOLE: Thank you, sir.

10 Q (BY MR. O'TOOLE) Mr. Gray, to continue, we were talking
11 about the letter that you wrote and was delivered to the
12 prosecutor back in the preparation for the Bazemore trial. Do
13 you remember that?

14 A Yes.

15 Q So you told Mr. Martinez yesterday that the letter was
16 written because you wanted to get out of the agreement that
17 you had made to testify against the BGF; correct?

18 A Yes.

19 Q All right. And is it fair to say that you were at a time
20 when you were fearful of testifying and maybe fearful of not
21 testifying?

22 A Yes.

23 Q So you were fearful of testifying because you were going
24 to testify against your brothers and the sanction for that
25 could be death, or you were fearful of not making a deal on

1 your behalf, which would avoid you going to jail, perhaps for
2 the rest of your life; correct?

3 A Yes.

4 Q All right. So you were a bit in a bind; right?

5 A Yes.

6 Q All right. So you made a decision, you decided that you
7 would go ahead with your agreement to testify; correct?

8 A Yes.

9 Q All right. Before you made that agreement though, you
10 were still on the fence, weren't you? You still hadn't
11 decided whether to -- you had actually almost decided to tell
12 the government that what you were going to testify about was
13 not true; correct?

14 A No.

15 Q Well, you had said in your letter that you showed -- you
16 talked about with Mr. Martinez, that you never -- I'll put it
17 on the screen for you, so we can see it. This is Exhibit GP
18 13, we looked at it yesterday. Do you remember -- do you see
19 this letter, do you recall it?

20 A Yes.

21 Q Look in the middle. Would you read for me where it
22 starts with the point -- I just pointed to, the word "no"?

23 A "No one cares about the truth or I would have got a lie
24 detector or hypnotized or truth shot. Anything would have
25 told you that I'm not, nor was I ever, the leader of the BGF."

1 Q All right. So you told Mr. Martinez yesterday that was
2 not true; correct, that was a lie?

3 A No, I -- I was never the leader of BGF, and nor am I the
4 leader of the BGF. Gyedi is the leader of BGF.

5 Q When you came out of the Cut, you said you were the --

6 A Highest ranking member of the BGF. That doesn't make me
7 the leader of BGF.

8 Q All right. You were a leader, you were a leader on the
9 street; correct?

10 A Yes.

11 Q So when you wrote this letter, you were trying to tell
12 the government that you weren't quite as important as you had
13 said before so that maybe they wouldn't want to use you as a
14 witness?

15 A That don't even make sense.

16 Q All right. Wasn't the purpose of the letter, Mr. Gray,
17 to convince the government when you wrote it that you didn't
18 really -- they didn't really want to make you a witness and
19 perhaps then you wouldn't have testify --

20 A No. The purpose of the letter was that they had -- in my
21 agreement they were saying that I actually did something that
22 I didn't do and I had to cop out to it to get my agreement.
23 And we ended up straightening it out, and then it was no
24 longer a situation.

25 Q All right. But you told us yesterday that the reason you

1 wrote the letter, and tell me if I'm wrong here, that you were
2 frightened, you were frightened about testifying against the
3 BGF?

4 A Yeah, and that was part of it too. I was frightened and
5 I was venting. My mother had just died. If you look at the
6 date on the letter, my mother had died a year ago, a year
7 before -- the day that -- to the day that I wrote the letter.
8 All this was brought out in trial. If you had did your
9 research, you would have all that.

10 Q All right. I think we have. So you wrote the letter for
11 maybe a number of reasons?

12 A Yes.

13 Q But one of the reasons you wrote the letter was because
14 you were afraid of testifying against the BGF?

15 A No, I'm -- if I was afraid, I wouldn't be testifying.

16 Q All right. Earlier, I think I asked you that on one hand
17 you were fearful of testifying, and on the other hand you were
18 fearful of getting a life sentence and you had to make a
19 decision?

20 A And I made a decision.

21 Q So on the one hand, you were reluctant to testify because
22 I --

23 A No, because I had started testifying before that.
24 Testifying -- the testifying started before I took the stand,
25 when I gave them information.

1 Q All right.

2 A That's when the testifying started.

3 Q Mr. Gray, I don't want to argue with you. What I'm --

4 A I'm not arguing.

5 Q What I'm asking you is, when you were working with the
6 government on your regular meetings before the Bazemore trial;
7 right, you had agreed to testify on behalf of the government
8 against members of the BGF; correct?

9 A Yes.

10 Q And you had agreed to testify against the members of the
11 BGF in the Bazemore trial; correct?

12 A Yes.

13 Q All right. And at some point, as I asked you this
14 morning, you became a little bit reluctant, maybe you were
15 even on the verge of changing your mind to say that -- and you
16 wrote the words down, "I was not -- never have been a leader
17 of the BGF." And you wrote that because, as you said
18 yesterday, you were maybe thinking that it wasn't a safe thing
19 to do to testify?

20 A That is not why I wrote it. We just went over why I
21 wrote it, because I've never been the leader of the BGF.

22 Q Right. You were one of the higher leaders? You were --

23 A Okay, yeah.

24 Q -- right; isn't that correct?

25 A I was a high-ranking member of the BGF.

1 Q Right.

2 A I was not the leader.

3 Q Right. And later in the letter -- let me show you
4 another part of the letter for you. If you could do it, read
5 it for me.

6 MR. O'TOOLE: Court's indulgence, please.

7 Q (BY MR. O'TOOLE) Bottom of the page, starting with the
8 word "all," would you read that, please?

9 A "All I did was got high and got money."

10 Q For your family; right?

11 A Yeah.

12 Q So you were trying to tell them you weren't a major
13 leader, you were just one of the guys getting high and getting
14 money for your family; right?

15 A That's all I was doing when I was home.

16 Q That's right. And the reason you wrote the letter was to
17 decrease the importance so that they maybe wouldn't want to
18 call you as a witness?

19 A No. They was going to call me as a witness because I had
20 already testified. Testimony starts before you take the
21 stand.

22 Q Mr. Gray, when you refer to testimony, are you talking
23 about when you met with the prosecutor --

24 A Yes.

25 Q -- in the back rooms, you weren't on a stand like you are

1 now, were you?

2 A They had already wrote down what I said. I had testified
3 in front of the grand jury already.

4 Q All right.

5 MR. O'TOOLE: Your Honor, I have no further
6 questions of Mr. Gray.

7 THE COURT: Redirect.

8 MR. MARTINEZ: Before I redirect, does --

9 THE COURT: I'm sorry. Mr. Bussard.

10 MR. BUSSARD: I have no questions, Your Honor.

11 THE COURT: Mr. Francomano.

12 MR. FRANCOMANO: Yes, Your Honor. Thank you.

13 CROSS-EXAMINATION

14 BY MR. FRANCOMANO:

15 Q Mr. Gray, you're a hodari? Is that what you were, a
16 hodari at one point?

17 A Yes.

18 Q And that's a high-ranking member of the BGF; correct?

19 A Yes.

20 Q And at one point you were one of the founding members in
21 the Maryland section; is that correct?

22 A Yes.

23 Q Okay. The cross where the person puts two arms in front
24 of themselves -- and just let the record reflect, I'm putting
25 two arms in front of myself. That is not necessarily a BGF

1 sign; is that correct?

2 A True.

3 Q Now, you talked about the 33s; is that correct?

4 A Yes.

5 Q One of the 33s is death is the only way out?

6 A Yes.

7 Q But that's not exactly true?

8 A Exactly.

9 Q Because if you testify, you're out; correct?

10 A Yeah.

11 Q And if you're found to be on paper, meaning that you're
12 found to be cooperating with the police, you're out?

13 A Yes.

14 Q And there's situations where if people think you are
15 cooperating in the situation where you're not on paper,
16 meaning it's not written down anywhere, you won't be trusted
17 anymore and you can be thrown out for that too?

18 A Yes.

19 Q And there are some instances where someone can have their
20 oath taken away; is that correct?

21 A Yes.

22 Q And that's when another member says, "You're no longer in
23 the gang, I'm taking your oath"?

24 A Yes.

25 Q Now, back on September 11th, 2015, you met with the

1 government; is that correct?

2 A Yes.

3 Q All right. And when you met with them, you talked about
4 the Greenmount Regime, you talked about BGF; correct?

5 A Yes.

6 Q All right. But you didn't say anything about my client,
7 Mr. McCants?

8 A No.

9 Q Okay. And then you met with them again about 11 days
10 later on September 22nd, 2015. And once again, you provided
11 information about the BGF, their members; is that correct?

12 A Yes.

13 Q And that time you were shown 105 photographs; is that
14 right?

15 A Yes.

16 Q So you remember that one?

17 A Yes.

18 Q And at that one you didn't make any mention of
19 Mr. McCants; correct?

20 A No, I couldn't -- he just didn't look familiar to me.

21 Q So 11/9/2015, you met again with the government and you
22 made no mention of Mr. McCants; right?

23 A Exactly.

24 Q And then 11/10/2015, you met with the government again,
25 made no mention of Mr. McCants.

1 A Yeah.

2 Q And then 11/16/2015, you met with the government again,
3 made no mention of Mr. McCants again; correct?

4 A Correct.

5 Q And then 11/17/2015, you again met with the government
6 and still made no mention of Mr. McCants.

7 A Correct.

8 Q And then also on 11/25/2015, met with the government
9 again, talked about the BGF, members of the Greenmount Regime,
10 but made no mention of Mr. McCants.

11 A Right.

12 Q Then 12/9/2015, met with the government again, talked
13 about BGF, made no mention of Mr. McCants that day either.

14 A Correct.

15 Q And then January 15th, 2016, met with the BGF, spoke
16 about the Greenmount Regime, Stimey and Rut, but you made no
17 mention of Mr. McCants that day either.

18 A Correct.

19 Q Then on February 29th, 2016, met with the government
20 again, made no mention of Mr. McCants.

21 A Correct.

22 Q And March 21st, 2016, met with the government. You still
23 made no mention of Mr. McCants; correct?

24 A Correct.

25 Q And then on May 16th, 2016, you actually testified at

1 trial for about a day, does that sound right?

2 A Yeah.

3 Q Okay. And at that trial you made no mention of
4 Mr. McCants.

5 A He had nothing to do with the trial.

6 Q Okay. Now, on August 19th, 2016, you were shown a
7 picture by the government in another interview; is that
8 correct?

9 A Yes.

10 Q And that was a picture of Mr. McCants; correct?

11 A Yes.

12 Q And you said, "I recognize his face."

13 A Exactly.

14 Q Okay. You didn't say anything else about him at that
15 meeting; correct?

16 A Not that -- not that I know of. I just remember his
17 face.

18 Q Right. You didn't say, well, he committed this crime?

19 A Like I said yesterday, only thing I usually hear about
20 him, Digga, was that he was like a mischievous kid.

21 Q All right. So what I'm getting at is that the 13
22 meetings you had prior to the one in November, the only thing
23 you ever said about Mr. McCants is, "I know his face"?

24 A Yeah.

25 Q All right. So the meeting in November 2001 -- excuse me,

1 sorry, the meeting on November 1st, 2017, they again show you
2 his picture; right, and again you say, "I know his face."

3 A Yes.

4 Q And you don't say, "I know his name," you don't say, "I
5 know where he lives."

6 A Right, and I don't.

7 Q And once again, you don't say he committed any crimes.
8 You just said he gets -- he's mischievous; right?

9 A He's mischievous.

10 Q But at some point in that interview, at the very last
11 part of it, you don't say Digga, somebody says that to you;
12 correct?

13 A I ain't sure how I found out his main name -- I mean, his
14 nickname.

15 Q Well, did you say --

16 A No, I never said Digga. I never knew his name because I
17 only recognized his face.

18 Q Okay. So somebody must have said to you "tell us about
19 Digga," because if you don't know his name; right?

20 A Yeah.

21 Q Okay. And that's when you said, you know --

22 A He mischievous.

23 Q He's mischievous.

24 A Yeah.

25 Q But you also said he's BGF?

1 A Yeah, because the people that show me him -- the people
2 that was with -- that showed me him, that's how I remembered
3 his face.

4 Q What do you mean by the people --

5 A Me and Stimey was together.

6 Q I'm sorry, say that again?

7 A Me and Stimey was together. Stimey used to mess with
8 either him and -- Stimey his sister father. Stimey a
9 high-ranking member of the BGF.

10 Q But you've never actually met Mr. McCants?

11 A No, I ain't never. No, but I know exactly who he is
12 because Stimey showed me who he was.

13 Q Right. But you've never had a conversation with him?

14 A No.

15 Q You've never met with him, you've never seen him on the
16 street?

17 A No.

18 Q You don't know how old he is?

19 A No.

20 Q You don't know where he lives?

21 A No.

22 Q You don't know who his mother is?

23 A No.

24 Q You don't know who his sponsor is?

25 A No.

1 Q Okay. You don't know when he took the oath?

2 A No.

3 Q You don't know if he took an oath?

4 A Yes, I do.

5 Q Okay. Well, let me ask you this: If you know he took an
6 oath, when did he take it?

7 A I don't know when Geezy took an oath. I know he took an
8 oath. I don't know when most of the members of the BGF took
9 their oath, but I know they took oaths.

10 Q You never saw him in a meeting; correct?

11 A No, I don't have to -- I didn't have to go to no meeting
12 that he was at.

13 Q When you testified for the government yesterday, you
14 explained that some bush members told you?

15 A Exactly.

16 Q So you don't have any knowledge yourself that he's BGF;
17 correct?

18 A Yes, because I was with a bush member when he told me
19 that he was J, that he was BGF.

20 Q But you don't know that; correct?

21 A Yes, I do. If they tell me that he's J, and they in
22 charge of that neighborhood, then he's J in that
23 neighborhood.

24 Q Once again, you personally don't have knowledge of that;
25 correct?

1 A Yes, I do.

2 Q From other people telling you?

3 A Exactly.

4 Q Okay.

5 MR. FRANCOMANO: I have no further questions,
6 Your Honor.

7 THE COURT: Now redirect. Mr. Martinez.

8 REDIRECT EXAMINATION

9 BY MR. MARTINEZ:

10 Q Mr. Gray, I want to try and cover some of the topics that
11 came up on cross in the order they were brought up. Do you
12 remember Mr. O'Toole asking you several questions yesterday
13 about the guy in YGF who was bucking and didn't want to join
14 BGF?

15 A Yes.

16 Q And do you remember him asking you about what you meant
17 when you told Will to take care of the problem?

18 A Yes.

19 Q And that you said you meant for that person to be killed;
20 right?

21 A Yes.

22 Q So do you remember the questions where you were asked
23 when Will said it was taken care of, you had no reason to
24 doubt him; right?

25 A Yes.

1 Q And remember all the questions about did you feel
2 remorse, did you know whether that person had a family?

3 A Yes.

4 Q So when you were talking to Will about what to do with
5 this YGF guy who didn't want to join, can you tell us who Will
6 was working with in Greenmount to deal with that guy?

7 A Geezy.

8 Q Thank you. Now, you were also asked questions about why
9 you weren't charged for information that you provided to the
10 information during debriefings. Do you remember those
11 questions?

12 A Yes.

13 Q Under your plea agreement, were there promises made to
14 you by the government regarding what would be done with
15 information you provided during interviews, so long as it was
16 truthful?

17 A Yes.

18 Q What were those conditions?

19 A In the plea offer -- in the proffer they said anything I
20 say wouldn't be held against me.

21 Q And that's in exchange for your truthful information;
22 correct?

23 A Yes.

24 Q And at that time were you charged and had you pled guilty
25 to a federal offense.

1 A Yes.

2 Q And what was the maximum sentence for that federal
3 offense?

4 A Life.

5 Q Thank you. Mr. Francomano asked you some questions about
6 a bunch of the -- he went through -- I lost count of how many
7 meetings that you had with the government, but do you remember
8 those questions?

9 A Yes.

10 Q During those meetings did you tell them everything you
11 knew or were you just answering the questions you were
12 asked?

13 A Answering the questions I was asked.

14 Q And when you sat down with the government and you were
15 asked about topics, did they cover BGF generally?

16 A Yes.

17 Q Did they cover BGF in West Baltimore?

18 A Yes.

19 Q Did they cover BGF in South Baltimore?

20 A Yes.

21 Q Did they cover BGF in the jails?

22 A Yes.

23 Q Did they cover bushmen all over town?

24 A Yes.

25 Q Was there ever -- until you met with myself and

1 Agent James in August of 2016, was there ever a meeting that
2 focused specifically on Mr. Johnson or the
3 Greenmount Regime?

4 A No.

5 Q And even during that meeting did you just answer the
6 questions you were asked?

7 A Yes.

8 Q Was Mr. McCants -- or were any questions about Digga
9 asked during that meeting?

10 MR. FRANCOMANO: Objection, Your Honor.

11 THE COURT: Overruled.

12 Q (BY MR. MARTINEZ) You can answer.

13 A Which one, which meeting?

14 Q When we met in August of 2016.

15 A Yes.

16 Q Were any questions asked of you about Digga?

17 A Yes. They showed me pictures and asked me did I know
18 him.

19 Q Right. But did anybody tell you whose name was on that
20 picture?

21 A No.

22 Q Did anyone mention the name Digga during that meeting?

23 A No.

24 Q So far as you're concerned, when was the first time
25 somebody asked you a question and mentioned the name Digga and

1 said, "Are you familiar with Digga?"

2 A It was during one of the meetings.

3 Q Right. And I'm trying to get the timing of that.

4 A I can't recall.

5 Q Okay. Well, when Digga came up -- let me ask you this:

6 Did you meet with prosecutors on November 1st?

7 A Yes.

8 Q And during that meeting, were you then asked, "Are you
9 familiar with a individual named Digga?"

10 A Yes.

11 Q And were you asked is Digga in BGF?

12 A Yes.

13 Q And at that point in time, what did you say?

14 A Yes.

15 Q Yes, what?

16 A Yes, he's in BGF.

17 Q Okay. And you knew that because you had had
18 conversations with Rut and Stimey, bush members in East
19 Baltimore who ran the neighborhood; is that correct?

20 A Yes, they ran the neighborhood. They know who was in
21 their regime.

22 Q And they -- under the protocol of the gang, they report
23 to you; correct?

24 A Exactly.

25 Q And is part of that reporting obligation telling you

1 who's J in the neighborhood?

2 A Yes.

3 MR. MARTINEZ: Court's indulgence.

4 No further questions, Your Honor.

5 THE COURT: Thank you. May the witness be excused,
6 defense counsel?

7 MR. O'TOOLE: He may.

8 THE COURT: No objection. The witness is --

9 MR. FRANCOMANO: Your Honor, I just have one
10 question.

11 THE COURT: Well, that's not what I asked you. May
12 he be excused or do you plan to call him later? The
13 examination for now has ended. It's just simply a question of
14 whether he's been excused.

15 MR. FRANCOMANO: Yes, Your Honor.

16 THE COURT: You may be excused. Thank you.

17 Next witness.

18 MS. HOFFMAN: The government will call
19 Brian Rainey.

20 THE COURT: Brian Rainey. In custody?

21 MS. HOFFMAN: Yes.

22 THE COURT: Thank you.

23 Stop right there, sir. Please stand and face our
24 clerk.

25 THE CLERK: Sir, please raise your right hand to be

1 placed under oath.

2 BRIAN RAINNEY

3 called as a witness, being first duly sworn, was examined and
4 testified as follows:

5 THE WITNESS: Yes.

6 THE CLERK: Thank you, sir. You may enter the
7 witness box and watch your step. And sir, if you would please
8 speak into the microphone. You can adjust the mike. If you
9 would speak directly into the microphone, state your first and
10 last name and spell your first and last name.

11 THE WITNESS: Brian Rainey, B-r-i-a-n,
12 R-a-i-n-e-y.

13 THE CLERK: Thank you, sir.

14 DIRECT EXAMINATION

15 BY MS. HOFFMAN:

16 Q Good morning, Mr. Rainey. How are you?

17 A Good.

18 Q How old are you?

19 A 49.

20 Q Did you grow up here in Baltimore?

21 A Yes.

22 Q Whereabouts?

23 A Liberty Heights first and then down near
24 Pennsylvania Avenue.

25 Q Is that West Baltimore?

1 A Yes.

2 Q I take it you're presently incarcerated.

3 A Yes.

4 Q What offense were you convicted of that led to your
5 incarceration?

6 A Armed robbery.

7 Q And how long have you been incarcerated for that
8 offense?

9 A Seven years.

10 Q Were you incarcerated for a period of time before that as
11 well?

12 A Yes.

13 Q And was that also for a robbery?

14 A Yes.

15 Q Did you join a gang when you were in prison?

16 A Yes.

17 Q What gang was that?

18 A Black Guerilla Family.

19 Q And when did you first join approximately?

20 A August of 2006 -- I mean, 20- -- I mean, 1996, I'm
21 sorry.

22 Q That's okay. So you first joined BGF in 1996.

23 A Yes.

24 Q And where were you incarcerated at that time?

25 A In the Maryland House of Correction, Jessup.

1 Q Is that also sometimes referred to as the Cut?

2 A Yes.

3 Q What was your position when you first joined BGF?

4 A At first I was what's called as a sleeper.

5 Q And what's a sleeper?

6 A A sleeper is an individual that's a part of BGF, but the
7 main population doesn't know, only the heads of BGF.

8 Q Okay. Is it sort of like undercover BGF?

9 A Yes.

10 Q Did you eventually officially join BGF?

11 A Yes.

12 Q Have you ever heard of the Original 15?

13 A Yes.

14 Q What is the Original 15?

15 A That would have -- it's actually Original 17. It's 17
16 guys, the first 17 that came over as BGF.

17 Q Okay. And is that in Maryland specifically?

18 A Yes.

19 Q Okay. Can you remember some of the -- well, first of
20 all, were you a member of the Original 17?

21 A Yes.

22 Q And can you remember some of the other members of that
23 group?

24 A Yes. Joe Edison, Pizza, Hot Rod, Mike Gray.

25 Q Okay. I'm going to show you what's been marked as

1 Government's Exhibit No. PHI 33. Do you recognize this
2 person?

3 A Yes.

4 Q Who is that?

5 A Mike Gray.

6 Q Okay. Mr. Rainey, how did you first gain membership in
7 BGF?

8 A Well, when I first went to the Cut, I was what you call a
9 wild child. I was just running around doing a whole bunch of
10 crazy stuff. And an individual that was in the dorm with me
11 had pulled me up. It's when BGF had first came to Maryland
12 and asked me to read the history. And from there I agreed and
13 I was -- been doing work ever since.

14 Q Have you heard of a sponsor?

15 A Yes.

16 Q Did you have a sponsor when you joined BGF?

17 A Yes.

18 Q And who was your sponsor?

19 A Robert Nedd, Pizza.

20 Q Okay. Did you have to learn about BGF's history in order
21 to join?

22 A Yes.

23 Q Did you have to learn about BGF's rules in order to
24 join?

25 A Yes.

1 Q And when you started out, you mentioned you were a
2 sleeper?

3 A Yes.

4 Q When you became officially BGF, what was your first
5 rank?

6 A In the field.

7 Q Okay. And what does it mean to be in the field?

8 A In the field is just -- you just a part of the regime.
9 You have no authority.

10 Q Okay. Is it sort of like a foot soldier?

11 A Yes.

12 Q Did you work your way up through the ranks of BGF while
13 you were incarcerated?

14 A Yes.

15 Q What sorts of things helped you work your way up the
16 ranks in BGF while you were incarcerated?

17 A My ability to be violent.

18 Q Okay.

19 A And also I had good rapport with a lot of the inmate
20 population.

21 Q Was BGF involved in criminal activity in the jail while
22 you were there?

23 A Yes.

24 Q What sorts of criminal activities were they involved
25 in?

1 A We had drugs, prostitution, extortion, hits, things like
2 that.

3 Q And when you say extortion, what do you mean?

4 A Meaning if somebody's in the jail selling drugs, we would
5 get a cut, we would get the 10 percent cut.

6 Q All right. And would -- how would you get a cut from
7 them, would you threaten them?

8 A Basically we let them know if you going to continue
9 getting drugs, then you have to pay your taxes. If not, then
10 we would deal with you accordingly.

11 Q How would you get drugs in jail?

12 A Smuggle it through officers, smuggle it through the
13 visiting room.

14 Q You also mentioned hits, what is a hit?

15 A Hit is when somebody pays you to hurt somebody else.

16 Q Did you eventually gain a special rank or title in BGF?

17 A Yes.

18 Q What was that?

19 A An angel, also known as a joker.

20 Q Okay. Was it sometimes referred -- I didn't catch the
21 first part of what you said, did you say angel or death
22 angel?

23 A Well, it's death angel.

24 Q Okay.

25 A Also known as a joker.

1 Q Okay. Thank you. And what were your responsibilities as
2 an angel or death angel or joker?

3 A My main thing was I used to deal with disputes within the
4 bubbles and bush. I had -- they would -- if somebody did
5 something wrong and they needed to be stabbed or whatever,
6 only people that can stab another bush member is an angel or
7 another bush member. So I had authority to carry out that
8 mission.

9 Q Okay. And did you assault other inmates in your role as
10 the death angel for BGF?

11 A Also in the field too, both.

12 Q Okay. Did you assault quite a lot of inmates in your
13 role as death angel?

14 A Yes.

15 Q Do you know the exact number?

16 A Between 20 and 30.

17 Q Okay.

18 A And that's been since '96 all the way up to 2010.

19 Q Okay. And you said until 2010, what happened in 2010?

20 A 2010 I was incarcerated and I was beefing with a younger
21 comrade that was on some crazy stuff. So he tried to have me
22 harmed.

23 Q Okay. And did you eventually leave BGF?

24 A Yes.

25 Q When did you leave BGF?

1 A In 2010, beginning, around January, February 2010.

2 Q Okay. I want to back up a little bit and talk about the
3 general structure of BGF. How is BGF structured at the city
4 level?

5 A On the street?

6 Q Yes.

7 A Oh, the same way it is in institutions. You have your
8 commanders all the way down to your education.

9 Q Okay. Sorry, did you say education?

10 A Yes.

11 Q And what do you mean by education?

12 A Education is the guy that holds all the paperwork and he
13 teaches the new comrades coming in of the histories and the
14 22s, things like the rules.

15 Q Okay. Now, you mentioned before, I think you referred to
16 a BGF regime, what is a BGF regime?

17 A A regime is like a unit, and we had different regimes in
18 different parts of town.

19 Q Okay. And are there also different regimes for different
20 jails in Maryland?

21 A Yes. Yes, every jail has its own regime.

22 Q You also used the word bubble earlier, what is a
23 bubble?

24 A A bubble is the senators of BGF.

25 Q Okay. Is it fair to say the bubble is the ranking

1 positions of the regime?

2 A Yes.

3 Q Okay. Have you ever of the term bushman?

4 A Yes.

5 Q What's a bushman?

6 A Bushman are the higher arks, they way up top, they in
7 charge of everything.

8 Q Okay. And is there a position even above the bushman?

9 A Yes, supreme bush.

10 Q Okay.

11 A And gyedi, as it's known.

12 Q Have you also heard the term hodari?

13 A Yes, same thing as gyedi.

14 Q Okay. Is the -- is there a difference between the BGF
15 commander in the jails versus on the streets?

16 A Basically, no. It's still ran the same, basically. We
17 have -- you have your C, you have your commander, your
18 lieutenant commander, the minister of justice, minister of
19 defense, the field marshals, field general, just like
20 incarcerated.

21 Q Okay. Now, the bushmen, you mentioned that they're the
22 overseers and you mentioned the gyedi and hodari are at the
23 top.

24 A Yes.

25 Q Are the bushmen in between the gyedi at the top and the

1 regimes at the bottom?

2 A Yes.

3 Q Now, I want to show you what's been previously marked and
4 come into evidence as Government's Exhibit DEM 1.

5 A Yes.

6 Q Mr. Rainey, is this a fair and accurate depiction of
7 BGF's structure at the city level?

8 A Yes.

9 Q Okay. Now, you mentioned that Baltimore City has BGF
10 regimes on the street, is there one in the Greenmount Avenue
11 neighborhood of Baltimore?

12 A Yes. Actually, it's two regimes in Greenmount area.

13 Q And what are those?

14 A Those are the regular BGF and the YGF.

15 Q Okay. And we'll get to YGF in just a minute. I want to
16 show you -- you mentioned a number of the positions at the
17 regime level. I think you mentioned minister of education,
18 minister of justice, field marshal, field general. I want to
19 show you know what's been previously admitted into evidence as
20 Government's Exhibit DEM 2.

21 A Yes, that's the bubble.

22 Q Okay. So is this a fair and accurate depiction then of
23 the rank structure of the gang at the top where it says
24 bubble, here?

25 A Yes.

1 Q Okay. Now, how does a prospective member of BGF become a
2 member, a full-fledged member of BGF typically, what do they
3 have to go through?

4 A Well, they watch you -- well, actually, they watch you
5 before they even approach and see how you carry yourself and
6 then you become what's called a fox and that's when you just
7 starting out. And you do different kind of hits maybe or your
8 ability to generate funds and things like that. All that
9 comes into account.

10 Q Okay. And sorry, just backing up a minute, I did want to
11 touch briefly on some of the positions that are mentioned here
12 in this diagram and that you also mentioned. Can you tell me
13 what the minister of justice does in BGF?

14 A He's like the judge. Any problem that comes up, you have
15 to put in a written report and say why I want this person
16 harmed, or you know, if somebody owes him money, it all go
17 through the justice.

18 Q Okay. And what about the minister of finance?

19 A Finance is just to keep the bubble going. Keep the
20 money, lawyers, commissary, things like that.

21 Q Okay.

22 A Reorder more drugs.

23 Q What about the minister of defense?

24 A The minister of defense, he carries -- he's the defense
25 guy. He carries out -- well, he orders the -- whoever's in

1 the soldier he wants to go on a particular mission, and he
2 supplies the weaponry, handled with the sergeant of arms.

3 Q And finally, what about the minister of education?

4 A Like I say, he just he teaches, teaches everybody in the
5 regime.

6 Q And teaches them -- what does he teach them?

7 A Like I said, the history, things like that. And
8 sometimes we may get paperwork from the West Coast and it goes
9 to the minister of education and the secretary and then they
10 distribute it out to all the regimes.

11 Q Okay. You mentioned the West Coast, is that where BGF
12 was first founded?

13 A Yes.

14 Q At the top here we have the commander, what does the
15 commander do?

16 A He's the overseer of the whole bubble, he's the leader of
17 the whole bubble.

18 Q So he calls the shots in the bubble?

19 A Yes.

20 Q What about the lieutenant commander?

21 A The lieutenant commander does the same thing. Actually,
22 the C, he really doesn't deal face to face with the regime.
23 The LTC does, the lieutenant commander. And whatever the LTC
24 finds out, he take it to the commander.

25 Q Okay. Now, do BGF bubbles always work exactly the way

1 they're supposed to work in practice?

2 A No.

3 Q Okay. But this is theoretically the structure of a BGF
4 regime; is that right?

5 A Yes.

6 Q Now, you mentioned that -- we talked about sponsors and
7 you also talked about having to do missions, I think you said,
8 to join the gang. Is there also an oath?

9 A Yes.

10 Q And what is the oath?

11 A The oath, verbatim or why we have it?

12 Q You can just tell us in substance what it is.

13 A Well, basically it's you pledging your allegiance to
14 BGF.

15 Q Okay. And how is it referred to, what is it called?

16 A It's called the Two I's and Three S's -- I mean, Two S's,
17 Three I's.

18 Q Okay. Have you ever heard of the term Oatmeal?

19 A Yes.

20 Q What's the Oatmeal?

21 A The Oatmeal is the oath.

22 Q Okay.

23 A Basically, sometimes they might say Oatmeal so people
24 don't know what you're talking about, but yeah.

25 Q Okay. You mentioned previously that your sponsor was

1 Robert Nedd or Pizza?

2 A Yes.

3 Q I'm showing you Government's Exhibit PHI 60, do you
4 recognize that --

5 A Yes, that's Pizza.

6 Q Did you say that is Pizza?

7 A Yes.

8 Q Are there rules of BGF?

9 A Yes.

10 Q And what are the rules calls?

11 A The 22s.

12 Q Okay. Have you heard of the 33s?

13 A Yes.

14 Q What are the 33s?

15 A It's still basically the rules, it's the 33 of conduct.

16 Q Okay. Can you give us some examples of some of the 22s
17 and 33s of BGF?

18 A You never owe your brother money. You never cooperate
19 with police. You would defend your comrade at all cost. If
20 you get into a fight, it must be spontaneous. You can't plan
21 to go out and just jump on somebody without getting approval.

22 Q What about guarding the secrets of the gang?

23 A Yes, that's a part of the Oatmeal, this oath will kill
24 me.

25 Q Is there a rule requiring payment of dues to the gang?

1 A Yes.

2 Q And what are the punishments for breaking these rules?

3 A Well, it can go from writing an essay all the way to
4 getting stabbed.

5 Q I'm sorry, I missed the first part of what you said.

6 A I say it can be either from as small as writing an essay
7 all the way up to body beats, busted head, or getting stabbed
8 or killed.

9 Q When you say writing an essay, what do you mean by
10 that?

11 A You might have -- say that you robbed somebody without
12 getting permission, you would have to write an essay saying
13 why you did it and why it's harmful to the regime, why not
14 getting the okay and stuff of like that.

15 Q Sort of like an apology letter?

16 A Yeah.

17 Q Okay. And what is the punishment -- you mentioned one of
18 the rules is cooperating with the police, what's the
19 punishment for violating that rule?

20 A Death.

21 Q Are there any gang markings or symbols affiliated with
22 BGF?

23 A Yes.

24 Q Can you give us some examples?

25 A The rifle and sword, cross, the 276, BGF in flames, or a

1 Eusi Gyedi Jamaa and that's BGF -- like a real family in
2 Swahili.

3 Q So Jamaa is Swahili for family, I take it?

4 MR. ENZINNA: Objection, Your Honor.

5 THE COURT: Basis.

6 MR. ENZINNA: Leading.

7 Q (BY MS. HOFFMAN) I'm sorry, you said Eusi --

8 THE COURT: Stop. Overruled. You may continue.

9 A Yes.

10 Q (BY MS. HOFFMAN) Did you say Eusi Gyedi Jamaa --

11 A Eusi Gyedi Jamaa.

12 Q I'm sorry, I pronounced it wrong. So that's
13 Black Guerilla Family in Swahili?

14 A Yeah.

15 Q And the family part is the Jamaa?

16 A Yes.

17 Q And is it sometimes called J for short?

18 A Yes.

19 Q Are there sometimes BGF -- do people sometimes get
20 tattoos to show they're members of BGF?

21 A Yes.

22 Q And are the symbols that you just mentioned are those
23 frequently used as BGF tattoos?

24 A And sometimes they put gorillas, which is not the gorilla
25 that we go by, but they put a picture of a gorilla.

1 Q You mean the animal?

2 A Yes.

3 Q Okay. Now, we mentioned -- we talked about dues. What
4 do the dues consist of, how do BGF members make money?

5 A Selling drugs, extortion, doing hits, anything,
6 prostitution.

7 Q What about robbery?

8 A Yes, of course.

9 Q Okay. Does BGF -- do the regimes hold meetings?

10 A Yes.

11 Q Have you been to BGF meetings?

12 A Yes.

13 Q Where are some places where BGF meetings might be held?

14 A Sometimes we used to have them in the park because there
15 would be so many people. We had it in a big garage and
16 different people homes.

17 Q Okay. When were you released from prison the first time
18 that you served a prison sentence for robbery?

19 A In 2007.

20 Q And did you return to Baltimore City when you were
21 released?

22 A Yes.

23 Q And when were you locked up again for the robbery charge
24 that you're currently serving time for?

25 A In August of 2010.

1 Q Okay. So between 2007 and 2010, were you in Baltimore?

2 A Yes.

3 Q And whereabouts?

4 A Everywhere. Because of my position, I used to get sent
5 all over.

6 Q Okay. While you were on the streets between roughly 2007
7 and 2010, did you become familiar with a BGF regime that
8 operated in the Greenmount Avenue of Baltimore?

9 A Yes.

10 Q And you mentioned earlier YGF, and now I want to ask you,
11 what is YGF?

12 A Young Guerilla Family.

13 Q Was it affiliated with BGF?

14 A Not at first.

15 Q Okay. What was the connection to BGF?

16 A Well, the guy that started, he was BGF. And the guys --
17 those guys was neighborhood friends.

18 Q Okay. Where did YGF operate?

19 A On Guilford, on Barclay, all around that area,
20 Greenmount, 25th, all around there.

21 Q And Guilford and Barclay, are those streets near
22 Greenmount?

23 A Yes.

24 Q Okay. Who were the original leaders of YGF?

25 A Only one I really knew was Geezy.

1 Q And do you see Geezy in the courtroom today?

2 A Yes.

3 Q Could you point him out for the record here?

4 A Right here.

5 Q And maybe -- do you want to say an article of clothing
6 he's wearing?

7 A A tan shirt.

8 Q Thank you.

9 THE COURT: Record will reflect that the witness has
10 identified the Defendant Johnson.

11 Q (BY MS. HOFFMAN) Are you familiar with someone named
12 Naim King?

13 A Yes.

14 Q Who was Naim King?

15 A He was a bushman in the BGF.

16 Q Was he -- did he have a connection to YGF?

17 A Yes.

18 Q How was he connected to YGF?

19 A He was -- the YGF guys were all in his neighborhood. And
20 he, you know, he would be with them. And I guess that's how
21 they came up with -- well, putting their moniker on BGF -- I
22 mean, on YGF.

23 Q Okay. So you're saying Naim King and his role as a
24 bushman put his moniker on --

25 A Yeah, he gave approval, but he didn't have the

1 approval.

2 Q I see. Did he -- to your knowledge, did he teach YGF
3 about BGF?

4 A Yes.

5 Q Okay. Did YGF sell drugs in the Greenmount Avenue
6 area?

7 A Yes.

8 Q Did YGF carry out acts of violence in the
9 Greenmount Avenue area?

10 A Yes.

11 Q And did YGF gain a reputation for violence in the
12 Greenmount Avenue area?

13 A Yes.

14 Q Did the members of YGF eventually transition to BGF?

15 A Yes.

16 Q How did that happen?

17 A When the higher-ups first found out about YGF, we were
18 told to tell that -- them they have to shut down because they
19 were too close to BGF and we didn't want to get mixed --
20 people to get mixed messages.

21 Q And why did you not want people to get mixed messages?

22 A Because they could do something and guys think they're
23 affiliated with us and go against our comrades and we don't
24 know anything about what's going on.

25 Q Okay. Who told you that you had to shut them down?

1 A Donnie.

2 Q And who's Donnie?

3 A He's the citywide commander.

4 Q At the time?

5 A Yes.

6 Q And when was this, approximately?

7 A This was in 2007, the summer of 2007.

8 Q So did you take steps to shut down YGF?

9 A Yes.

10 Q Can you tell us what happened?

11 A Me and Sister Kim, another comrade, went over and
12 Sister Kim got out and talked to Geezy and them and told them
13 they had to shut down.

14 Q So Geezy --

15 A It came from the higher-ups that they had to shut down.

16 Q Okay. And do you know what the result of that meeting
17 was?

18 A Well, eventually they changed their mind and said that we
19 could educate them and they stay under YGF, but they just have
20 the BGF rules.

21 Q When you say they, who's they?

22 A The bushmen.

23 Q Okay. So that would include Donnie?

24 A Yes.

25 Q So did YGF transition to BGF?

1 A Yes.

2 Q Okay. Was there actually a second meeting that you had
3 with the members of the YGF after that first one?

4 A Yes. The second meeting was -- explained it to them that
5 the guys that wanted to stay on could come up as BGF.

6 Q Okay. I want to show you what's been marked as
7 Government's Exhibit PHI 45.

8 A D.

9 Q I'm sorry?

10 A D.

11 Q D, okay. You're familiar with this person?

12 A Yes.

13 Q Was he a member of BGF?

14 A Yes.

15 Q Was he also a member of YGF?

16 A Yes.

17 Q Okay. Now, I want to draw your attention to October of
18 2007.

19 A Yes.

20 Q Did there come a time when you learned that Naim King had
21 been murdered?

22 A Yes.

23 Q Were you in jail or were you on the streets at that
24 point?

25 A I was on the street.

1 Q How did you find out he died?
2 A Sister Kim called me and told me.
3 Q And you mentioned that Sister Kim was another comrade.
4 A Yes.
5 Q And just for the record, to clarify, what is a comrade?
6 A Comrade just a soldier.
7 Q I'm sorry, I missed that.
8 A It's just a soldier.
9 Q Okay. Did you attend a candle light vigil for
10 Naim King?
11 A Yes.
12 Q Where was that?
13 A That was up on 25th.
14 Q Were there other BGF members there?
15 A Yes.
16 Q Was Geezy there?
17 A Yes.
18 Q Was the person you referred to as D, was he there?
19 A Yes.
20 Q Did you find out who had killed Naim King at that
21 vigil?
22 A Yes.
23 Q What did you learn?
24 A That dude Nique had killed Naim and they knew where he
25 was at at that time.

1 Q When you say they, who are they?

2 A Whoever talked to Sister Kim and Donnie and them told him
3 where he was at.

4 Q So Sister Kim and Donnie were the ones who told you that
5 Nique had killed Naim King?

6 A Yes.

7 Q Were the members of BGF, were they angry that Naim King
8 had been killed?

9 A Yes.

10 Q And were there plans put in motion to retaliate?

11 A Yes.

12 Q Were you involved?

13 A Yes, I was sent.

14 Q Tell us what happened.

15 A Me, D, and a guy Bullet Head, because we were armed, we
16 were sent to Kenwood, down Kenwood, further down east. And so
17 we was on our way and then almost halfway there they called us
18 back.

19 Q And when you went on your way to Kenwood, what were you
20 intending to do?

21 A Shoot.

22 Q And shoot who specifically?

23 A Oh, Nique.

24 Q Okay. So you found out that he was somewhere on Kenwood
25 and you left to go and shoot him.

1 A Yes.

2 Q And did you say that Little D went with you?

3 A Yes.

4 Q And you said that you were armed?

5 A Yes.

6 Q And you also said that D was armed?

7 A Yes.

8 Q And then you said you got called back, why did you get
9 called back?

10 A Well, at the time we didn't know. They just said to turn
11 around. So when I got back, Sis said, "They told me to call
12 you all back." She said, "I don't know what's going on, but
13 they just said to call you back."

14 Q Okay. What was D's reaction when you got called back?

15 A He was pissed like everybody else, basically.

16 Q Did you eventually learn why the hit was called off?

17 A Yes.

18 Q What did you learn?

19 A Because they had made agreement for him, Nique, to start
20 supplying the BGF with drugs.

21 Q You said Nique was supplying BGF with drugs?

22 A Yes.

23 Q In exchange, they decided not to kill him?

24 A Yes.

25 Q Prior to that occasion, had you been locked up with D?

1 A Yes.

2 Q And what was his reputation in the jail?

3 A He was a good comrade, he followed orders, went on with
4 his missions.

5 Q When you say missions, what do you mean?

6 A Like if we had to harm somebody or something like that.

7 Q Okay. And did that have something to do with why you
8 picked him for your hit team?

9 A No. Basically, he knew what the dude looked like, so
10 that's why he came.

11 Q Gotcha. Now, to your knowledge, did Geezy eventually
12 become BGF?

13 A Yes.

14 Q And did you have a role in his becoming BGF?

15 A Yes, we had education and central laundry.

16 Q You said central laundry, what's central laundry?

17 A It's a minimum security prison.

18 Q So you were incarcerated at one point with Geezy?

19 A Yes.

20 Q Approximately when was that?

21 A It was in 2008.

22 Q So you were locked up at some point in time in 2008?

23 A Yes.

24 Q What was that for?

25 A Violation.

1 Q Violation of your probation?

2 A Parole, yeah.

3 Q Okay. Now, what exactly was your role with respect to
4 Geezy's joining BGF?

5 A Just to educate him on the BGF paperwork.

6 Q Okay. Were you his sponsor?

7 A I wouldn't say his sponsor, but I just helped educate
8 him.

9 Q What did you teach him?

10 A Just the history, the 22s, things like that. A bushman
11 asked me to assist him in that.

12 Q Okay. A bushman asked you to educate Geezy?

13 A Yeah.

14 Q Did you have to require Geezy to perform any missions in
15 order to join BGF?

16 A Well, I'm sure -- because they never asked me to, so I'm
17 sure he already proved himself.

18 Q Is that what you heard from the bushmen?

19 A Yes.

20 Q Did you give Geezy his oath?

21 A No.

22 Q Who gave him his oath?

23 A I don't know. It may have been the --

24 Q That's okay.

25 A Burl.

1 Q You don't have to speculate. I'm sorry, I didn't mean to
2 ask you something you don't know.

3 Now, you mentioned earlier that Geezy was the leader of
4 YGF, do you know what his role was when he converted to BGF?

5 A Yeah. He was like the bushmen to YGF, the way the
6 bushmen are to us. But he's just a -- the top of YGF.

7 Q Okay. So he called the shots for that regime of BGF?

8 A Yes.

9 Q And we're still talking about the Greenmount BGF Regime;
10 is that right?

11 A Yes.

12 MS. HOFFMAN: I have no further questions. Thank
13 you.

14 THE COURT: Thank you, Ms. Hoffman. Ladies and
15 gentlemen, we'll take our morning break. During this recess
16 do not discuss the case with anyone. Do not discuss the case
17 even among yourselves. Do not allow yourselves to be exposed
18 to any news articles or reports that touch upon this case or
19 the issues it presents or articles or reports that relate to
20 any of the participants in the case. Avoid all contact with
21 any of the participants in the trial. Do not make any
22 independent investigation of the law or the facts of the case.
23 Do not look up anything relating to the case or its
24 participants on the internet. Do not consult an encyclopedia
25 or a dictionary. We will take a 15-minute recess. Please

1 take the jury out.

2 (Jury left the courtroom.)

3 THE COURT: 15-minute recess.

4 (A recess was taken.)

5 THE COURT: Ready for the jury? Let's bring them.

6 (Jury entered the courtroom.)

7 THE COURT: Be seated, please. Mr. Enzinna,
8 cross-examination.

9 MR. ENZINNA: Yes, thank you, Your Honor.

10 CROSS-EXAMINATION

11 BY MR. ENZINNA:

12 Q Good afternoon, Mr. Rainey. My name is Paul Enzinna. I
13 represent Gerald Johnson, who you spoke about earlier.

14 A Yes.

15 Q You mentioned earlier that you are currently
16 incarcerated; is that correct?

17 A Yes.

18 Q And where is that?

19 A In MCIH.

20 Q In --

21 A Maryland Correction House in Hagerstown.

22 Q I think you said that you have served seven years of that
23 sentence.

24 A Yes.

25 Q How long is that sentence?

1 A 30 years.

2 Q 30 years, so you have 23 years left.

3 A Yes.

4 Q You said you're 49 years old.

5 A Yes.

6 Q That means in 23 years you'll be 72; correct?

7 A Yes.

8 Q And you're testifying here today in the hopes of reducing
9 that; correct?

10 A Yes.

11 Q Okay. Now, I think you spoke earlier about people
12 smuggling things into the prison; correct?

13 A Yes.

14 Q Does that include drugs?

15 A Yes.

16 Q At one point in your life you used heroin; correct?

17 A Yes.

18 Q Do you still use heroin?

19 A No.

20 Q When did you stop?

21 A In 2010.

22 Q 2010 when you were incarcerated?

23 A Yes.

24 Q And you talked earlier about being a member of BGF, the
25 Black Guerilla Family; correct?

1 A Yes.

2 Q And you were a member of Black Guerilla Family for --
3 from 1996 until 2010?

4 A Yes.

5 Q Okay. Let me go back and ask you a question, you left
6 BGF in 2010; correct?

7 A Yes.

8 Q And you were incarcerated in 2010?

9 A Yes.

10 Q And when did you decide to begin testifying against
11 BGF?

12 A Well, that -- it started in 2009.

13 Q 2009.

14 A Yes.

15 Q While you were still a member of BGF?

16 A Yes.

17 Q And how did you accomplish that, did you approach
18 somebody and say, hey, I want to testify?

19 A No, they -- the DEA approached me.

20 Q Okay. In fact, you were at one point wearing a wire for
21 DEA; correct?

22 A Yes.

23 Q And serving as an informant?

24 A Yes.

25 Q While you were a member of BGF?

1 A Yes.

2 Q And did you record any illegal activity by BGF members?

3 A Yes.

4 Q Which members were those?

5 A Sister Kim, Donnie, basically those two.

6 Q Okay. Did you ever testify against them?

7 A No.

8 Q Why not?

9 A I didn't have to, I guess. I don't know.

10 Q Counsel said earlier that when you first joined BGF you
11 were what you called the sleeper.

12 A Yes.

13 Q And you described that as sort of an undercover role.

14 A Yes.

15 Q What's the purpose of that?

16 A Because sometimes BGF will get in a situation that could
17 cause a real big war if they are associated with it, so I
18 would take out the hit, just like I'm just being rebellious.
19 So -- because they didn't know I was an agent of the BGF.

20 Q How many hits did you take out as a sleeper?

21 A As a sleeper, maybe 5, 10 maybe, at the most.

22 Q Were those people you killed?

23 A No.

24 Q None of them?

25 A No.

1 Q What, did you stab them?

2 A Yes.

3 Q All of them?

4 A Few were busted heads.

5 Q Ever been prosecuted for any of those?

6 A No. Well, jailhouse prosecuted but not on the street.

7 You get what's called a ticket and then go to lock up.

8 Q So you were disciplined within the prison system;
9 correct?

10 A Yes.

11 Q But you were never charged and tried and sentenced to any
12 additional term for those crimes?

13 A No.

14 Q Okay. All right. Now, when you talked about BGF
15 earlier, you mentioned some of the things that BGF did,
16 including drug distribution, prostitution, extortion; anything
17 else?

18 A Robberies, killings.

19 Q So would it be accurate to say that BGF did basically
20 whatever it could to advance its own interests?

21 A At times.

22 Q So it's sort of an opportunistic kind of organization?

23 A Yes.

24 Q When it finds a situation where it can profit it takes
25 advantage of that?

1 A Yes.

2 Q Now, you talked earlier about -- well, first of all, I'm
3 a little confused because you said earlier that you were in
4 prison from 1994 until 2007; correct?

5 A Yes.

6 Q For armed robbery.

7 A Yes.

8 Q Then you said you went back in prison in 2010.

9 A Yes.

10 Q But then you came back and said that in 2008 you were in
11 prison.

12 A Right. I went back in 2008 for a violation, then I came
13 home, and then that's when I -- in 2010 I caught the robbery
14 charge.

15 Q Okay. So when in 2007 were you released?

16 A In -- I believe it was April 2007.

17 Q April.

18 A Yes.

19 Q And when did you go back in in 2008?

20 A In December.

21 Q December '08?

22 A Yeah, around -- it was either December or January, around
23 in there.

24 Q So December '08, January '09?

25 A No, '08.

1 Q So December '07, January '09 -- I'm sorry, December '07
2 January '08?

3 A Yes.

4 Q Okay. And how long were you in?

5 A About a year.

6 Q So you would have gotten out in December '08 or
7 January '09?

8 A Yeah, around there. Around the end of '08.

9 Q Okay. And when you said you were in for a violation,
10 that's a violation of your parole?

11 A Yes.

12 Q So you served about 13 years of that sentence; correct?

13 A Yes.

14 Q How long was that sentence -- how long was the sentence
15 supposed to be?

16 A Well, it was supposed to be ten years, then I got another
17 five.

18 Q For what?

19 A Drugs.

20 Q In the prison?

21 A No, at home. I was on the box, on the home monitor.

22 Q I see. So let me make sure I understand, you were
23 arrested for armed robbery.

24 A Yes.

25 Q And was it while you were awaiting trial for armed

1 robbery that you were on home monitoring and got --

2 A No, no. I had completed -- I was almost done of the ten
3 years, so I was on home monitoring, then I caught a drug
4 charge while on home monitoring, and they gave me another five
5 years, so I just went right back.

6 Q Okay. So you were in from 1994 until sometime in 2004
7 when you were released.

8 A Yes.

9 Q And you were on home monitoring.

10 A Right.

11 Q And you were --

12 A Actually, it was in -- around 2002 I went -- 2002, 2003,
13 around in there somewhere, I went to home monitoring and I
14 caught the drug charge and came back.

15 Q Let me back up. In 1994 you were convicted of armed
16 robbery, and what was the sentence you received, ten years?

17 A Ten years.

18 Q Okay. And then you say in 2003 you were released?

19 A Around in there, yeah.

20 Q On parole?

21 A Yes. Well, I wasn't actually released. I was on home
22 monitor about to be released.

23 Q How long were you on home monitoring?

24 A A couple months before I caught the charge.

25 Q Okay. And what were the drugs you possessed?

1 A Heroin.

2 Q How much?

3 A A few packs, maybe 50 pills.

4 Q And you were still using at the time?

5 A No, I was selling.

6 Q You were selling?

7 A Yes.

8 Q Okay. So you said earlier that you stopped using heroin
9 in 2010.

10 A Yes.

11 Q So if this is 2003 or so and you were not using then,
12 when did you start using?

13 A I go back and forth. I may quit for a few months and
14 then go right back.

15 Q Okay. You mentioned earlier that you were -- that you
16 wore a wire and were an undercover informant for the DEA;
17 right?

18 A Yes.

19 Q Why did you do that?

20 A Because situations were coming up and things weren't
21 right and something needed to be done.

22 Q Okay. Let's unpack that. You said a situation was
23 coming up, what situation?

24 A It's just that BGF was going awry.

25 Q How so?

1 A It turned into a gang.

2 Q Okay. And this was in 2009?

3 A Yes.

4 Q So prior to that it was not a gang?

5 A Yeah. It started -- when we first started in '96, it was
6 basically a spin off of the Black Panther party. We were just
7 revolutionists. And then just as time went on it started
8 spinning out of control and we just started doing
9 everything.

10 Q Well, let me stop you there. You said you were
11 revolutionists.

12 A Yeah.

13 Q And you expressed your revolutionary program by
14 committing extortion?

15 A No, that was a part of BGF.

16 Q So there was no crime by BGF --

17 A Well, see --

18 Q -- prior to 2009?

19 A Well, see, this is what I've been saying: BGF has two
20 sanctions, it's Ben and it's Cambone. Ben is the financial
21 part and Cambone is the political part. We need -- you can't
22 have a political part without finance, so Ben was financing
23 our activities for our politics.

24 Q Well, when did the crime start?

25 A Well, it's always been. It's always been, but it just

1 wasn't as wild as it is now.

2 Q So when you joined in 1996, BGF was committing crimes?

3 A Yes.

4 Q But crimes that weren't wild.

5 A Say that again.

6 Q Crimes that weren't wild.

7 A Well, it was different situations, you know. But
8 basically our thing was, we black pride, you know. And in
9 order to look out for our comrades, we had to generate funds.
10 And the way to generate funds, we would have groups that do
11 extortion, sell drugs, or whatever.

12 Q So the issue was that the reason for the crimes
13 changed?

14 A Yes.

15 Q Okay. So at -- prior to 2009 or so, the funds were being
16 stolen for revolutionary purposes to support your comrades?
17 Prior to 2009, the crimes were being committed to generate
18 funds to support --

19 A Oh, yes.

20 Q -- revolutionary purposes?

21 A Yes.

22 Q After that it became, what?

23 A Just gang, everybody for himself.

24 Q Everybody for himself.

25 A Yeah. And that started around 2004 maybe. Started

1 because we started recruiting younger because around that time
2 the Bloods and the Crips were getting up numbers. And there
3 was a lot of young guys, so we started recruiting younger to
4 deal with the younger guys. Because when I came over, the
5 average age for BGF member was maybe 27, 28, on up. Now, BGF
6 you can find as young as 16.

7 Q And this was in the 2004 or so?

8 A Yes, that's when it really started changing over.

9 Q In fact, you told the ATF that that youth movement
10 starting in 2000; right?

11 A Yes.

12 Q All right. Now, you talked about becoming a member of
13 BGF.

14 A Yes.

15 Q And you said that someone had to be identified and
16 selected.

17 A Yes.

18 Q Right. That you would judge someone based on how they
19 carried themselves.

20 A Yeah.

21 Q And say, that looks like a good potential member.

22 A Yes.

23 Q And then that person had to be educated.

24 A Yes.

25 Q They had to take an oath.

1 A Yes.

2 Q And they had to go on a mission.

3 A You go on a mission before you get your oath.

4 Q Okay. All right. And you also said that -- well, let me
5 ask you this: You said you were in central laundry on your
6 violation?

7 A Yes.

8 Q For about a year.

9 A Well, I wasn't there the whole time, the whole year I was
10 locked up. I was at -- then I went down to the
11 penitentiary.

12 Q Okay. How long were you at central laundry?

13 A I don't know, a few months.

14 Q A few months.

15 A Yeah.

16 Q In the beginning of that term?

17 A Yes.

18 Q So from roughly December --

19 A Maybe around February till March, April, I got checked
20 in.

21 Q So two or three months?

22 A Yes.

23 Q And --

24 A It may have been longer than that, I can't remember.

25 Q How much of that time did you overlap with Mr. Johnson?

1 A Well, basically the whole time I was there.
2 Q He was there the entire time you were there?
3 A He came a little bit after me I believe.
4 Q How much after you?
5 A I don't know.
6 Q Couple weeks?
7 A I don't know.
8 Q A month?
9 A I don't know how long I was there before he came.
10 Q Were you in the same cell as Mr. Johnson?
11 A No, it's in dormitories. I was in the dormitory across
12 from him.
13 Q Across from him, so when did you spend time with
14 Mr. Johnson?
15 A Well, Darril -- one of the bush members, we had classes
16 and he just told me to work with him.
17 Q Okay. You had classes.
18 A Yes.
19 Q And those classes were authorized by the prison?
20 A No.
21 Q Okay.
22 A BGF classes.
23 Q Well, when did they take place?
24 A I think it was on a Thursday or a Friday -- no, that
25 definitely wasn't Friday. It was maybe a Wednesday or

1 Thursday and then on Saturdays we had what you call a J day.

2 Q What's a J day?

3 A J day is when all the comrades come together and just
4 talk about events that's going on.

5 Q Well, I guess what I'm asking is not so much what day of
6 the week did they take place, but what -- when during the
7 prison day did you have an opportunity to have those
8 classes?

9 A We had them in the evening.

10 Q Okay. What I'm getting at is, in the prison there's a
11 dormitory; right?

12 A Yes.

13 Q And in the dormitory there are cells; correct?

14 A No.

15 Q No?

16 A Just dormitories.

17 Q I see. Okay. So when you're in the dormitory, you can
18 socialize with each other?

19 A Yes.

20 Q All right. So you had these classes with Mr. Johnson.

21 A Yes, he wasn't the only one. There was other guys that
22 was in the class too.

23 Q And so that's how you educated him, in these classes?

24 A Yes.

25 Q You also said to become a member you had to be a fox

1 first; right?

2 A Yes.

3 Q Was Mr. Johnson a fox?

4 A I don't know, because when he came over he was already
5 YGF, so I don't know what steps Naim took.

6 Q Okay. And you said earlier that Mr. Johnson did not have
7 to undertake a mission.

8 A No, not at central laundry, no. What he did somewhere
9 else, I don't know. But not when I was there.

10 Q Okay. But normally to become a member you have to do a
11 mission --

12 A Yes.

13 Q Okay. You also -- I think you said that you did not know
14 whether or not Mr. Johnson took an oath.

15 A No, he took an oath, but I don't know exactly who gave
16 him the oath.

17 Q You don't know who gave it to him.

18 A Right.

19 Q When did he take the oath?

20 A I don't know.

21 Q You don't know.

22 A I don't know because I left.

23 Q You left.

24 A Yeah, I went to the pen.

25 Q Then how do you know he took the oath?

1 A Huh?

2 Q How do you know he took the oath?

3 A Because he was a BGF member. You can't be a BGF member
4 without taking the oath.

5 Q So you're assuming he took the oath?

6 A I guess you can say that.

7 Q All right. Now, you mentioned YGF; right, the
8 Young Guerilla Family?

9 A Yes.

10 Q And I want to make sure I understand what YGF was. What
11 I understood you to say was that BGF originally decided to
12 shut down YGF because they didn't want people to be confused
13 and think that YGF was BGF.

14 A Yes.

15 Q Is that right?

16 A Yes.

17 Q So YGF began as something that was not started by BGF.

18 A Well, it was one BGF member, and basically it was just a
19 neighborhood group.

20 Q Okay. And these were young kids; right?

21 A Yeah, they were younger, yes.

22 Q Okay. And BGF thought that they were too violent and
23 too --

24 A Well, because of their name, they didn't want us to
25 get -- people to get mixed up because it could be dangerous.

1 Q Okay. And did YGF use BGF's governing rules?

2 A Yes.

3 Q They did?

4 A Yes.

5 Q So when you said YGF transitioned to BGF, did all the
6 members of YGF have to go through the BGF membership
7 process?

8 A No, they would -- the guys that wanted to come up as BGF,
9 they could. If they wanted to stay as YGF, they could.

10 Q They could?

11 A Yeah.

12 Q Were any of them ever told if they didn't become BGF,
13 they would be killed?

14 A No.

15 Q Were any killed?

16 A I don't know. Not to my knowledge, not for not being
17 BGF.

18 Q So did YGF continue -- well, so you said that you
19 initially went to shut down BGF -- YGF; correct?

20 A Yes.

21 Q You and Kim.

22 A Yes.

23 Q When was that, 2007?

24 A Yes.

25 Q So you were released from prison in, I think you said

1 April of 2007.

2 A Yes.

3 Q And then at some point after that, you and Kim shut down
4 YGF.

5 A Yes.

6 Q Or started to shut down YGF.

7 A Right.

8 Q How long was it after you got out of prison?

9 A I do not know.

10 Q Was it in the summertime, in the spring, the fall?

11 A It was getting ready to be cold.

12 Q So probably in the fall --

13 A Yeah.

14 Q -- of 2007.

15 A Yeah, I don't know exact, you know, month, but yeah.

16 Q Okay. And --

17 A It had to be longer than three months because that's when
18 I bought my vehicle. And that -- so it was around in there,
19 that time.

20 Q So it had to be after July of '07?

21 A Yeah.

22 Q And you said you went back into prison in 2007;
23 correct?

24 A 2008.

25 Q 2008. You said earlier that you thought it was December

1 of '07 or January of '08.

2 A It was around January or February of '08.

3 Q Okay. All right. So if -- okay. But you said a
4 decision was made not to shut YGF down.

5 A Yes.

6 Q Who made that decision?

7 A I have no idea.

8 Q Who communicated it?

9 A The bushmen.

10 Q Who told --

11 A Somebody in the bushmen.

12 Q Okay. Who told you about it?

13 A Sister Kim told me, Sister Kim and Geronimo told me.

14 Q Sister Kim and?

15 A Geronimo.

16 Q Who's that?

17 A He was a field marshal at the time.

18 Q A field marshal?

19 A Yes.

20 Q Of a regime?

21 A Yes.

22 Q What regime?

23 A The South Baltimore Regime.

24 Q Was he a bushman?

25 A No.

1 Q Was Kim a bushman?

2 A No.

3 Q But they -- presumably, the order would have come from a
4 bushman?

5 A Yes.

6 Q So after the initial decision to shut down YGF, how long
7 was it until the decision to incorporate YGF into BGF?

8 A Not long at all, maybe two weeks.

9 Q Maybe two weeks.

10 A Maybe.

11 Q What happened during those two weeks?

12 A I guess they talked about it, I don't know. When they
13 call me and tell me to go somewhere and do something, that's
14 what I did because it's already decided.

15 Q So you were told to shut it down and you went and told
16 them to shut down.

17 A Yes.

18 Q And then two weeks later did you go back and tell them
19 don't shut down?

20 A Yes. Then that's when I explained to them they need to
21 educate themselves and stay under YGF. The ones that wanted
22 to come up could.

23 Q Okay. So did YGF cease to exist at that time?

24 A No.

25 Q It continued to exist?

1 A Yes.

2 Q And how long -- for how long did it continue to exist?

3 A Until now I guess.

4 Q Was BGF not concerned about the fact that it did not have
5 control over those YGF members?

6 A Well, we had -- because they used to look up at us, so we
7 had control. You know, well, supposed to been control.

8 Q Wait. If you had control over YGF, why was it necessary
9 to bring some of the members into BGF?

10 A Because they just wanted to step up.

11 Q They wanted to step up.

12 A Yes.

13 Q Okay. But you let the other people continue to operate
14 as YGF.

15 A Yes. YGF basically was just a neighborhood group. You
16 see, BGF, we're all over Baltimore. YGF at that time was just
17 a neighborhood group.

18 Q And YGF was allowed to do what it wanted; right?

19 A Yes.

20 Q So if YGF wanted to kill somebody, they could kill
21 somebody, they didn't have to ask BGF permission?

22 A Well, yeah, they supposed to got permission.

23 Q I don't understand that, did BGF control YGF or not?

24 A Yes, yes.

25 Q They did?

1 A They did. That's why they came on to us, because that
2 way we could control, you know -- and stuff we could -- we had
3 an idea of what was going on. And they just wasn't doing
4 stuff without us knowing because, like I said, that could be
5 dangerous.

6 Q So -- all right. Let's shift gears. In -- we talked a
7 little bit about Naim; correct?

8 A Yes.

9 Q And you said that Naim was involved with YGF.

10 A Yes.

11 Q It was his neighborhood kids who wanted to belong to the
12 BGF.

13 A Yes.

14 Q And there came a time when Naim was killed.

15 A Yes.

16 Q And he was killed by Nique.

17 A Yes.

18 Q And Nique is actually Henry Mills.

19 A Yes.

20 Q Now, Nique was not a gang member, was he?

21 A No.

22 Q But he -- why did he kill Naim?

23 A It was over drug territory, I believe.

24 Q So Nique had sold drugs.

25 A Yes.

1 Q But not as a member of a gang.

2 A Yes.

3 Q He was independent.

4 A Yes.

5 Q So there were people operating in this area who were not
6 members of gangs?

7 A Some, yes.

8 Q Okay. All right. And you talked about the vigil you
9 attended.

10 A Yes.

11 Q And the order that was given to make a hit.

12 A Yes.

13 Q But you were called back.

14 A Yes.

15 Q And the reason you were called back was because?

16 A Well, at that time we didn't know.

17 Q Okay. But I think what you said, and correct me if I'm
18 wrong, was that BGF -- somebody higher up in BGF decided it
19 would make more sense to get drugs from Nique; correct?

20 A Yes.

21 Q Now, was that something new or something that had been
22 ongoing?

23 A Oh, that goes on a lot. That goes on a lot.

24 Q Well, let me make sure you understand what I'm asking.

25 Was Nique supplying drugs to somebody higher up in BGF before

1 he killed Naim?

2 A I don't know because I had no deals with Nique at that
3 time.

4 Q Okay. So you don't know if the people higher up in BGF
5 who called off the hit did it because they were already
6 getting drugs from Nique or because they wanted to get drugs
7 from Nique?

8 A Right, I don't know.

9 Q Okay. Now, here's what I don't understand, there's a BGF
10 oath; right?

11 A Yes.

12 Q And the oath says you have to protect your brother;
13 right?

14 A Yes.

15 Q Now, Naim was a brother; right?

16 A Yes.

17 Q So normally the oath would require you to take revenge on
18 Nique, wouldn't it?

19 A Yes.

20 Q But some members of the BGF could just say, well, we see
21 a more profitable use of this, so we're just not going to
22 worry --

23 A Basically they would delay it.

24 Q They delayed it.

25 A It was bound to happen sooner or later, but just at this

1 time we could use him.

2 Q I see. Who authorized the hit?

3 A I have no idea.

4 Q It wasn't --

5 A Some bush members, I don't know.

6 Q It wasn't you?

7 A No.

8 Q It wasn't Sister Kim?

9 A No.

10 Q It would have to be a bush member; right?

11 A Yes.

12 Q A hit had to be authorized by a bush member.

13 A Yes.

14 Q Okay.

15 MR. ENZINNA: I have nothing further. Thank you.

16 THE COURT: Mr. Bussard.

17 MR. BUSSARD: No questions. Thank you.

18 THE COURT: Mr. Francomano.

19 MR. FRANCOMANO: Briefly, Your Honor.

20 THE COURT: Yes.

21 CROSS-EXAMINATION

22 BY MR. FRANCOMANO:

23 Q Mr. Rainey --

24 A Yes.

25 Q -- the YGF and the BGF are two separate groups;

1 correct?

2 A Yes.

3 Q So from somebody from YGF to go to BGF, they would have
4 to take the oath, admission, everything else; correct?

5 A Well, they was already under the oath, so it's just
6 basically an education process they go through. But from what
7 I understand is that Naim did all that without getting
8 permission. That's why initially it was told to shut down
9 because Naim had no permission to start the group.

10 Q So it wasn't sanctioned by the BGF; correct?

11 A Right.

12 MR. FRANCOMANO: That's all my questions, Your
13 Honor.

14 THE COURT: Redirect.

15 REDIRECT EXAMINATION

16 BY MS. HOFFMAN:

17 Q Mr. Rainey, there were a lot of questions on cross about
18 the dates when things happened, when your violation happened,
19 exactly what date range you were in prison, when you met with
20 YGF. Is it fair to say you don't remember the exact dates
21 when those happened?

22 A Right.

23 Q You're giving an estimate?

24 A Yes.

25 Q Okay. Mr. Rainey, are the rules of BGF always followed

1 strictly in practice?

2 A Supposed to be.

3 Q Well, what about in practice, though?

4 A Meaning what?

5 Q So they're supposed to be followed.

6 A Yes.

7 Q Are they always followed?

8 A Oh, not always, but they're supposed to be.

9 Q Okay. Is it possible for the commander of a regime to
10 authorize a hit?

11 A Yes.

12 Q So when you said on cross that a bushman would have to
13 order a hit, in practice, however, commanders would sometimes
14 order hits?

15 A Actually, see, the commander -- well, actually, really
16 the justice does that, but they run it across the commanders
17 and things like that. Where if it's a situation that could
18 get real big, then they will consult the bush member to see
19 what they think about, if we do this, this is the fallout that
20 could happen. And they will say, yeah, okay, I agree with it
21 or not.

22 Q Thank you. I think --

23 A Very seldom do they actually say you go do this, because
24 the bushmen take care of their own. And that's what I was a
25 part of.

1 Q Mr. Rainey, do you have a written plea agreement with the
2 government at this point?

3 A No.

4 Q Have any promises been made to you about whether your
5 sentence will be reduced or to what extent?

6 A No.

7 MS. HOFFMAN: No further questions.

8 THE COURT: Thank you. May the witness be excused?

9 MR. ENZINNA: Yes, Your Honor.

10 MR. FRANCOMANO: Yes, Your Honor.

11 MR. BUSSARD: Yes, Your Honor.

12 THE COURT: Witness is excused.

13 Next witness.

14 MS. HOFFMAN: Your Honor, the next witness will be
15 Detective John Hayden, who's going to be a pretty lengthy
16 witness and we do have to get some video exhibits teed up. So
17 this might be a good time to take the lunch break.

18 THE COURT: Let me see counsel.

19 (Bench conference on the record.)

20 THE COURT: Okay. Don't suggest to me when we
21 should take lunch or a break. It puts me in a box with the
22 jury. Now if I say no and some of them want to go to lunch,
23 then they'll be very disappointed. It's fine for you tell me
24 what the situation is with the next witness, but that's all
25 you have to tell me. I'll take care of the planning and

1 timing.

2 That said, I agree with your statement, but it's
3 mainly because I need to have a consultation with all of you
4 in chambers. So we'll stop now for lunch and resume after --
5 maybe it starts at 1:00 -- we'll say 2:05. You can step back.

6 (The following proceedings were had in open court.)

7 THE COURT: Ladies and gentlemen, we will now stop
8 for our lunch break. Do not discuss the case with anyone
9 during the lunch break. Don't discuss it even among
10 yourselves. Do not allow yourselves to be exposed to any news
11 articles or reports that touch upon the case or the issues
12 that it presents or any articles or reports that relate to any
13 participants in the case. Avoid all contact with any
14 participants in the trial. Do not make any independent
15 investigation of the law or the facts in the case. Do not
16 look up anything related to the case on the internet. Do not
17 consult an encyclopedia or a dictionary. This is again one of
18 those times that I have to address some matters outside of
19 your hearing. And so we will ask you to come back at 5
20 minutes after 2:00 o'clock. That's one hour and 30 minutes
21 from now. One hour and 30 minutes. Please take the jury out.

22 (Jury left the courtroom.)

23 THE COURT: Recess until 2:05.

24 (A recess was taken.)

25 THE COURT: Are we ready for the jury?

1 MR. MARTINEZ: We are, Your Honor.

2 MR. ENZINNA: Yes, sir.

3 THE COURT: Bring them in.

4 (Jury entered the courtroom.)

5 THE COURT: Be seated, please. The government may
6 call their next witness.

7 MS. HOFFMAN: The government calls
8 Detective Jonathan Hayden.

9 THE COURT: Detective Hayden, please come forward
10 here all the way to the witness box, stand there, and face our
11 clerk.

12 THE CLERK: And sir, if you would please raise your
13 right hand.

14 DETECTIVE JONATHAN HAYDEN
15 called as a witness, being first duly sworn, was examined and
16 testified as follows:

17 THE WITNESS: I do.

18 THE CLERK: Thank you sir, please have a seat in the
19 witness box and watch your step. And Detective, if you would
20 please speak directly into the microphone, state your first
21 and last name, and spell your first and last name.

22 THE WITNESS: Detective Jonathan Hayden,
23 J-o-n-a-t-h-a-n, H-a-y-d-e-n.

24 THE CLERK: Thank you.

25 THE COURT: Your witness.

1 DIRECT EXAMINATION

2 BY MS. HOFFMAN:

3 Q Good afternoon, Detective Hayden.

4 A Good day to you.

5 Q How are you employed?

6 A I'm employed by the Baltimore City Police Department,
7 currently assigned to the Bureau of Alcohol, Tobacco, Firearms
8 and Explosives as a Task Force officer.

9 Q What is a Task Force officer?

10 A A Task Force officer is -- I'm a city detective
11 cross-designated and deputized by the Marshals to work federal
12 cases involving guns, gangs violence, to bring forward for
13 federal prosecution.

14 Q How long have you been a Baltimore City police
15 detective?

16 A Little over 20 years.

17 Q How long have you been assigned to ATF as a Task Force
18 officer?

19 A About nine and a half years.

20 Q In your capacity as a BPD detective and Task Force
21 officer, have you been involved in an investigation into a BGF
22 regime operating in the Greenmount Avenue corridor of
23 Baltimore?

24 A Yes, I have.

25 Q What is BGF?

1 A BGF stands for Black Guerilla Family. It was a gang
2 actually started in the prisons and now it's predominant on
3 the streets in Baltimore City.

4 Q What was your role in the investigation?

5 A I'm actually one of the lead investigators of this
6 investigation.

7 Q Were there other law enforcement officers and agencies
8 involved in the investigation?

9 A There were numerous local state and other federal law
10 enforcement officers and agencies involved in this
11 investigation.

12 Q Approximately when did the investigation begin?

13 A The city, Baltimore City, actually began investigating
14 crimes of violence in this specific area around 2005, ATF got
15 involved in the investigation in 2011, and I personally got
16 involved in late 2012, early 2013.

17 Q Can you tell us where, geographically, the investigation
18 was focused?

19 A Geographically, the location of the investigation is in
20 East Baltimore. It's bordered on the north on 25th Street, on
21 the south on Federal Street, on the west is Guilford Avenue,
22 and on the east is Greenmount, with a couple offshoots like
23 Cokesbury and the top of Loch Raven.

24 Q I'm going to show you Government's Exhibit DEM 3. Can
25 you tell us what we're looking at here?

1 A Sure. The map on the left is actually just a map of
2 Baltimore City with a square around the general proximity of
3 the geographical area of the investigation. The map to the
4 right is actually the box blown up. If you can see to the
5 top, it shows 25th Street, bottom to the south is Federal, and
6 then Guilford and Greenmount Avenue, which was actually the
7 area of investigation.

8 Q Okay. And is that the little offshoot on Cokesbury?

9 A Yeah, and the top little triangle is Cokesbury Avenue.

10 Q Okay. In your career with BPD, have you ever been
11 assigned to this section of the city?

12 A Yes. In 2000, I was part of the eastern initiative,
13 which was a uniform capacity. Due to the violence, we were
14 sent to Eastern District. The squad I was in was actually
15 detailed to Greenmount Avenue and Barclay Street. After 2000,
16 I became part of the Mobile Enforcement Team, which was still
17 centered in East Baltimore because I had become familiar with
18 it, our squad stayed in that area. I then moved up to the
19 organized crime division. Again, we were still in East
20 Baltimore and had daily run-ins and investigations in East
21 Baltimore as well as this general area there. And also, as
22 part of the ATF back in 2011, we got assigned the Eastern
23 District as part of our area of investigation.

24 Q So is it fair to say that you're familiar with the
25 streets and landmarks in this area?

1 A Yes.

2 Q I want to talk about some of the investigative techniques
3 that were involved in this investigation. Did you interview
4 witnesses in the course of your investigation?

5 A During the course of this investigation, I estimate over
6 100 witnesses were interviewed. Those were people that were
7 arrested in and around the area, members of BGF, former
8 members of BGF, also just citizens on the street that were not
9 involved in criminal activity.

10 Q The witnesses you interviewed, have they always been
11 cooperative?

12 A A lot of times, no. A lot of them were fearful to even
13 talk to us. Part of the investigative strategy is to build a
14 rapport with people to try to get them to give us information
15 because people on the street see more than we could actually
16 see.

17 Q Have you ever had to relocate witnesses to address safety
18 concerns?

19 A Yes. Several witnesses, especially in this
20 investigation, have actually been moved out of the city and
21 out of the state.

22 Q Have you also conducted wiretaps as part of your
23 investigation?

24 A Yes. Back in 2013 from August to November, we conducted
25 a state wiretap investigation, which over the time, we

intercepted eight phone lines with over 28,000 phone calls and text messages in real-time relating to several of the members of the gang in this area.

Q Did you intercept any of the defendants in those wiretap calls and texts?

A During the wiretaps and calls, we intercepted Mr. Gerald Johnson talking about drug dealing. We intercepted Mr. Jones talking about one of his instances, was trying to get rid of a firearm. We also intercepted other individuals and gang members in the area talking about narcotics, shootings, and crimes of violence.

Q I'm going to show you Government's Exhibit CD 11, are you familiar with this item?

A Yes.

Q What is it?

A This is a CD of wire call excerpts that have been selected and placed onto a CD.

Q Was there also an FBI wiretap that intersected with this investigation?

A Yes, there was. In early 2017, the FBI had a separate wire investigation ongoing on someone named Deandre Dorsey. During that time, Mr. McCants, who is also one of the defendants, was intercepted on that wire call talking about drug dealing and actually committing shootings.

Q All right. We'll come back to the wire calls a little

1 later in the case. But did you also conduct physical
2 surveillance of the defendants and other members of the
3 gang?

4 A Yes. During the time of the wiretap we would actually
5 use closed circuit television, which are cameras set up along
6 the city. I think there's over 500 cameras in the city that
7 we could view real-time scenarios from the wire room and from
8 off-site locations. We would use that to assist in making
9 arrests for handgun, narcotics violations, when they
10 occurred.

11 Q Did you also collect and review CCTV footage relating to
12 murders and shootings?

13 A Yes. We -- any time there was a murder or shooting or
14 crime of violence, we would collect the CCTV camera. Also if
15 there were private security cameras in the area, those would
16 also be collected.

17 Q What about ballistic and fingerprint evidence?

18 A Basic -- again, whenever there's a shooting, murder,
19 homicide, the Baltimore City Crime Lab would come out.

20 MR. BUSSARD: Objection, Your Honor.

21 THE COURT: Basis.

22 MR. BUSSARD: May we approach.

23 THE COURT: Yes.

24 (Bench conference on the record.)

25 THE COURT: Mr. Bussard.

1 MR. BUSSARD: I think I just heard your voice.

2 THE COURT: I don't think so.

3 MR. BUSSARD: Your Honor, this is the part we were
4 concerned with the other day about the ballistics evidence.
5 He's saying that everything was collected by crime scene
6 techs. We need the crime scene techs here as part of the
7 chain of custody.

8 MS. HOFFMAN: I'm not going to have him testify
9 about any specific seizures. I'm just having him describe
10 general investigative techniques.

11 MR. BUSSARD: If that's as far as we go, as long as
12 we're not putting on evidence.

13 MS. HOFFMAN: No evidence.

14 THE COURT: I don't think we've gotten to that
15 point.

16 MR. O'TOOLE: There's something he's doing -- if I
17 could just make an observation. Counsel's asking the
18 question, "Did you intercept calls?" And he says, "Yes,
19 Mr. Johnson and drugs." Then, "Any other calls?" "Yes,
20 Mr. Jones and guns." He's sort of picking what he wants to
21 say, not responsive -- he's more than responsive to the
22 question. If the Court could somehow just keep him responsive
23 to the question and not volunteering extraneous information.

24 THE COURT: Well, is there anything that is
25 inadmissible about the extraneous information? Suppose she

1 had asked him, did you intercept Mr. Johnson on any telephone
2 calls, would you have an objection to that?

3 MR. O'TOOLE: Well, if she just said yes -- if she
4 asked that question, his answer would be yes.

5 THE COURT: So really what the Court's concern is,
6 is whether or not any inadmissible information is coming in.
7 I don't hear it. And number two, whether the question that's
8 being asked is somehow improper. I don't think that's
9 happening either. The fact that he volunteers more, yes, that
10 can sometimes be dangerous, but only if he starts to add
11 information that is inadmissible. I mean, think this through:
12 What would your objection be? It would be nonresponsive. All
13 right. Suppose I sustained that. Then, "Well, Mr. Hayden,
14 did you pick up Mr. Johnson in particular on any of those
15 phone calls?" "Yes, I did." What would the objection to that
16 be?

17 MR. O'TOOLE: It would be the same because I didn't
18 speak well the first time. What I'm saying is, he said not
19 only Mr. Johnson, he asked Mr. Johnson about drugs and then
20 asked Mr. Jones about guns. So if the question is not asked
21 what the conversation was that he intercepted, perhaps he
22 should just answer the question and then wait for the next
23 question, if she wants to know about what was the substance of
24 it.

25 THE COURT: I don't know that there is anything

1 improper about him answering more than was asked unless it
2 starts to cross a line and starts to supply information or
3 evidence that is itself not admissible. That hasn't happened
4 yet. I recognize, yes, there's some peril associated with
5 this style, but nothing's crossed the line.

6 MR. O'TOOLE: Thank you.

7 (The following proceedings were had in open court.)

8 THE COURT: Overruled. You may continue.

9 Q (BY MS. HOFFMAN) So Detective Hayden, I think you were
10 in the middle of answering a question about general
11 investigative techniques involving ballistic and fingerprint
12 evidence.

13 A So basically whenever there's a crime of violence,
14 ballistic evidence would be collected, which are bullet
15 fragments, shell casings, a firearm, if it's actually
16 recovered at the scene. Those would then be submitted to be
17 processed. Fingerprints would also be collected, if evident,
18 and submitted as well for comparison.

19 Q What about undercover purchases of drugs, were any of
20 those done?

21 A We sent several undercover officers into the area to
22 actually purchase narcotics from individuals in the area and
23 members of the BGF.

24 Q Were there also cell phones recovered belonging to the
25 defendants and other members of the gang?

1 A There were cell phones recovered from Mr. Johnson, also
2 Wesley Brown, and several others from which we recovered text
3 messages, photos, videos, historical location information of
4 where the phones were at certain times.

5 Q Did you also execute search warrants on social media
6 accounts belonging to the defendants and some of their
7 co-conspirators?

8 A Yes. We did approximately 11 Facebook accounts, several
9 Instagram, and also YouTube search warrants to the individuals
10 to which we had found their screen names and Instagram user
11 names.

12 Q I'm going to approach and show you
13 Government's Exhibit SM 3, SM 5, SM 6, SM 7, SM 8, SM 9, and
14 SM 10.

15 THE COURT: Can you repeat those please a little bit
16 more slowly.

17 MS. HOFFMAN: SM 3, SM 5, SM 6, SM 7, SM 8, SM 9,
18 and SM 10.

19 Q (BY MS. HOFFMAN) And you can pull those out of their
20 folders. Are you familiar with those exhibits?

21 A Yes, ma'am. These are actually the -- basically
22 abbreviated business records from Facebook and the social
23 media warrants that we had executed identifying the
24 individuals' screen names and user names for Facebook and
25 Instagram.

1 Q And when you say abbreviated, they're selected excerpts
2 from those returns?

3 A Yeah, they're selected excerpts, basically not the entire
4 business record they sent us because of the numerous pages
5 that it was -- that they were. And also, they are basically
6 ones that we had pulled out.

7 Q And have you had a chance to go through them thoroughly
8 before today?

9 A Yes.

10 Q Are they accurate excerpts of the business record returns
11 from Facebook, Instagram -- Facebook and Instagram?

12 A Yes, they are.

13 Q Okay. All right. So we're going to come back to the
14 social media exhibits, but for now I'm going to show you
15 Government Exhibit CD 3. Are you familiar with this
16 exhibit?

17 A Yes.

18 Q What is it?

19 A It's a CD containing videos from Gerald Johnson's
20 Instagram account.

21 Q And were those videos part of the business record returns
22 from Instagram?

23 A Yes, they were.

24 Q I'm now going to show you Government's Exhibit CD 9, are
25 you familiar with this exhibit?

1 A Yes.

2 Q What is this?

3 A These are also excerpts of YouTube videos that were
4 seized during the execution of the search warrant through --
5 for YouTube.

6 Q Okay. So there were also search warrants executed on
7 YouTube accounts?

8 A Yes.

9 Q In the course of the investigation, did you also review
10 jail calls made by the defendants?

11 A Yes. Several times one of the techniques to get --
12 gaining information are listening to jail calls. One of --
13 the purpose of the jail calls are because at the beginning of
14 the jail calls actually, it's stated that this call is being
15 recorded. So we will listen to jail call to see if any
16 information is being passed either through code words or being
17 used by other persons different, ID numbers, because they know
18 that the phone call is being recorded, so sometimes they'll
19 speak in code that sometimes the cooperators will help us
20 understand.

21 Q Okay. I'm going to show you Government's Exhibit CD 4.
22 Are you familiar with this exhibit?

23 A Yes, I am.

24 Q What is it?

25 A These -- this is a disk of jail call excerpts that we've

1 downloaded and recorded to a disk.

2 Q All right. So again, we're going to come back to those
3 jail calls a little later in the case. Was there also a
4 covert recording device placed in a common area of the
5 detention center?

6 A Yes. In an unrelated investigation, the FBI had actually
7 placed an audio/video recording device in the central -- or
8 Chesapeake Detention Facility, which is a federal pretrial
9 holding facility, in one of the common areas. During that
10 time Mr. McCants and another member of the BGF, Norman Handy,
11 were actually recorded.

12 Q I'm showing you Government's Exhibit CP 15, what are we
13 looking at here?

14 A That is Norman Handy making the Black Guerilla crossed
15 arms X.

16 Q As part of your investigation, did you also photograph
17 the defendant's tattoos?

18 A Yes. I actually photographed them in the U.S. Marshal
19 holding cell last Tuesday, I believe, which was the 21st.

20 Q Did you also execute search warrants at residences used
21 by the defendants?

22 A Yes, I did.

23 Q I want to talk about one of the search warrants. Did you
24 assist with the execution of a search warrant at
25 1716 Latrobe Street on April 26th, 2016?

1 A Yes, I did.

2 Q Who was the target of the search warrant there.

3 A Wesley Brown, also known as Wes or Shike White.

4 Q I'm showing you now page 14 of Government's Exhibit SM 3,
5 which I believe you previously identified as excerpts from a
6 Facebook account. What are we looking at here?

7 A It's a little grainy, but that's Wesley Brown standing
8 with Gerald Johnson in the photo.

9 Q The location of the search warrant, 1716 Latrobe Street,
10 is that in BGF Greenmount Regime's territory?

11 A Yes, it is.

12 Q I'm going to show you Exhibit DEM 3 again.

13 MR. BUSSARD: Can you give that number again?

14 MS. HOFFMAN: DEM 3.

15 Q (BY MS. HOFFMAN) Can you show us where approximately the
16 search warrant was executed?

17 A So basically -- I have fat fingers, but if this is
18 Barclay, it would be right around there.

19 Q Thank you. And now I'm showing you
20 Government's Exhibit GM 22, what are we looking at here?

21 A This is actually a picture of 1700 block of
22 Latrobe Street. The picture is oriented so -- actually, the
23 way the truck is facing is northbound and 1716 is, I believe,
24 the third house down on the left-hand side.

25 Q What time of day was the search warrant executed?

1 A It was approximately 4:15 in the morning.

2 Q Was Wesley Brown located in the residence?

3 A Yes, Wesley Brown and Brittany Carter were located in the
4 second floor rear bedroom. Also, Ms. Lacritia Keene, who's
5 the leaseholder on the house was located in the residence.
6 And Tavon Thompson was located on the first floor. And also
7 Wesley Brown and Brittany Carter's, I believe she was two at
8 the time, two-year-old daughter was with them in the second
9 floor rear bedroom.

10 Q I'm showing you Government's Exhibit No. PHI 78, what are
11 we looking at here?

12 A That's a picture of Tavon Thompson, also known as Man
13 Man, that was located in the house.

14 Q Did you conduct a search of the house?

15 THE COURT: The picture was located in the house?

16 A No, he was located in the house.

17 MS. HOFFMAN: I'm sorry.

18 THE COURT: Next question.

19 Q (BY MS. HOFFMAN) Did you conduct a search of the
20 house?

21 A Yes.

22 Q What, if anything, of evidentiary value did you find in
23 the house?

24 A In the kitchen we found Wesley Brown's photo ID, a pay
25 stub, and the BGF oath. In the second floor rear bedroom we

1 found some more BGF paperwork, along with Soledad Brother. We
2 found 52 gel caps of heroin, 16 blue top vials of cocaine,
3 also some packaging material, then on the shelf going
4 downstairs to the basement -- basement stairs going down,
5 there was a shelf, there was some more BGF paperwork located.
6 On Mr. Thompson we actually found 7 vials of cocaine.

7 Q I'm going to start by showing you Government's
8 Exhibit 37, 38, and 41. Can you identify these exhibits for
9 us?

10 A Yes, 37 is the photo ID of Wesley Brown.

11 Q And let me stop you there. I'm going to show you on the
12 screen here Government's Exhibit PHE 37. What are we looking
13 at here?

14 A The photo that's in front -- a picture of the photo ID
15 that's in front of me of Wesley Brown.

16 Q And can you identify Government's Exhibit 38 for us?

17 A 38 is the pay stub in the name of Wesley Brown.

18 Q And I'm showing you Government's Exhibit No. PHE 38, what
19 are we looking at here?

20 A A photograph of the pay stub.

21 Q And can you identify Government's Exhibit 41 for us?

22 A 41 is the BGF oath.

23 Q Okay. And I'm going to show you Government's Exhibit
24 No. GP 1, what are we looking at here?

25 A It's part of the BGF oath, the Two S's and Three I's,

1 that were located in the kitchen with his photo ID and pay
2 stub.

3 Q And is this a photo of the document that you have in
4 front of you?

5 A Yes.

6 Q Now, you mentioned that you found other BGF paperwork in
7 the house, and I'm going to show you now Government's Exhibits
8 39 -- I'm sorry, I'm going to show you Government's Exhibits
9 39, 40, and 42. Can you start by identifying Government's
10 Exhibit 42, if you can.

11 A Excuse me. Sure. No. 42 is "Soledad Brother," the
12 prison letters of George Jackson, which was a book located
13 with other BGF paperwork in the second floor rear bedroom
14 closet.

15 Q Is that the bedroom Wesley Brown was found in?

16 A Yes, it was.

17 Q I'm showing you on the screen now Government's
18 Exhibit GP 2, and what are we looking at here?

19 A A photograph of the book that's in front of me.

20 Q Was there anything of significance inside the book?

21 A Inside the book there were two photographs of members --
22 or the defendants and other members of BGF that were located
23 inside the book.

24 Q I'm going to show you Government's Exhibit No. PHE 39.
25 What are we looking at here?

1 A A photograph of individuals. It's Trevon White, known as
2 Country; Wes Brown, also known as Wes.

3 THE COURT: Please go more slowly.

4 A Sorry. Gerald Johnson, who's Geezy; Ronald Hall, which
5 he's known as Cakes; and Delando Belton, who's an associate
6 who is known as Eggy.

7 Q (BY MS. HOFFMAN) And is that a photograph of the
8 photograph that you have in front of you?

9 A Yes.

10 Q Okay. I'm going to show you Government's
11 Exhibit No. PHE 40. And what are we looking at here?

12 A Again, it's another photograph of the photograph I'm
13 looking at with Gerald Johnson, Geezy; Wes Brown, Wes; and
14 Delando Belton, Eggy; and an unknown individual in the back.

15 Q And is Wesley Brown doing anything --

16 A He.

17 Q I'm sorry.

18 A No, go ahead.

19 Q Is Wesley Brown doing anything of significance?

20 A In the photo he's holding up, he has his arms crossed and
21 he's holding up 2, 4 for 24th Street.

22 Q I'm going to approach with Government's Exhibits 43, 44,
23 45, 46, and 47.

24 THE COURT: 43, 44, 45, 46, and 47.

25 MS. HOFFMAN: That's right. And -- yes. That's

1 right.

2 Q (BY MS. HOFFMAN) Can you start by identifying
3 Government's Exhibit 43?

4 A No. 43 are the 33 constitutions of the BGF.

5 Q Okay. I'm going to show you Government's Exhibit GP 3 on
6 the screen here. This is easier for the jury. What are we
7 looking at here?

8 A It's a Xerox copy of the letter that I have in front of
9 me. A photograph of the Xerox copy of the letter that I have
10 in front of me.

11 Q Did you bring your reading glasses?

12 A Yes.

13 Q Can you do me a favor and read the 33 constitutions for
14 us?

15 A The only way to become a member at Eusi Gyedi Jamaa is by
16 sponsor or direct sponsored by. Once you pledge you take this
17 organization to your grave. Is to be known there are no
18 revolving doors in Jamaa, once you pledge in, for life. Never
19 violate protocol. Discipline comes -- it's kind of --
20 discipline comes in home, fines, beatdown, by major offenses,
21 and death for extreme violations. Never violate the chain of
22 command, discipline may be total.

23 Q Does it say fatal perhaps?

24 A Fatal, wrong reading glasses. All allegations must have
25 proof attached it. There's no proof attached, it will not

1 exist. Jamaa and the author of allegations will be thoroughly
2 disciplined. Gayism, and I'm assuming that it says
3 homosexualism, is strictly prohibited. You never take an
4 outsider's word over our own brothers, period. If a member is
5 selected -- a member is selected --

6 Q And you can use the copy that you have in front of you.

7 A It's not even helping.

8 Q If you can't read it, feel free to move on to the next
9 one.

10 A I'm going down to No. 11, never violate the treasury
11 department. We do not participate in snitching or working
12 with the police against others or against guerillas. We do
13 not associate with the police unless we have something to gain
14 for the totality of Jamaa. If a member has a problem with
15 said rules, law, protocol, he must higher carry it out
16 necessary, it was -- something. We do not forge ties under
17 anger.

18 Q Is it possible it says any banner?

19 A Any banner, except BGF. Never violate security detail.
20 Sympathizers are not J, but will be expected until they have
21 the desire to be embraced. No directive should be said or
22 carried out without protocol. We do not allow harm to come to
23 us as comrade. And I think they made up a word. Never steal
24 from Jamaa.

25 Q Does it say -- sorry, just going back to No. 19 --

1 MR. O'TOOLE: Your Honor --

2 THE COURT: Approach.

3 (Bench conference on the record.)

4 THE COURT: Look, I waited for an objection, defense
5 counsel let this pass. That's their prerogative, but
6 Mr. O'Toole stood up and objected and what you're doing is
7 objectionable. You can't read the witness, you can't coach
8 the witness. If he didn't prepare for court by reviewing the
9 exhibits such that he could give the reading you're capable
10 of, I'm sorry, you're going to have to live with his lack of
11 preparation. Don't coach him. Sustained. Step back.

12 (The following proceedings were had in open court.)

13 THE COURT: Sustained. You may continue.

14 Q (BY MS. HOFFMAN) Thank you, Detective Hayden.

15 A Thank you.

16 Q Can you identify Government's Exhibit 44 for us?

17 A 44 are the 22 laws of BGF.

18 Q And I'm showing you Government's Exhibit No. GP 4 on the
19 screen, what are we looking at here?

20 A It's a photocopy of the letter that's in front of me.

21 Q Can you identify Government's Exhibit 45 for us?

22 A 45 are Secrets of the Fox.

23 Q And I'm showing you Government's Exhibit No. GP 6, what
24 are we looking at here?

25 A Again, it's a photocopy of the letter of the Secrets of

1 the Fox that's in front of me.

2 Q And can you identify Government's Exhibit 46 for us?

3 A 46 are the back page, it's Jamaa rules, so rules of
4 BGF.

5 Q And I'm showing you Government's Exhibit No. GP 5, what
6 are we looking at here?

7 A Again, it's a photocopy of the Jamaa rules that's in
8 front of me.

9 Q Can you identify Government's Exhibit No. 47 for us?

10 A 47 is a letter from Roscoe to Digga.

11 Q And I'm showing you Government's Exhibit GP 7 here, what
12 are we looking at here?

13 A Again, it's a photocopy of the letter of Roscoe, who is
14 Kenneth Faision, who is Gerald Johnson's brother, to Digga, who
15 is Mr. McCants, seated in the back of the courtroom.

16 MR. FRANCOMANO: Objection, Your Honor.

17 THE COURT: You may approach.

18 (Bench conference on the record.)

19 THE COURT: Foundation.

20 MR. FRANCOMANO: Lack of foundation, lack of
21 knowledge. He says it's Digga and doesn't --

22 THE COURT: Is your objection lack of foundation?

23 MR. FRANCOMANO: Yes, Your Honor.

24 THE COURT: Sustained. Motion to strike?

25 MR. FRANCOMANO: Yes.

1 THE COURT: Granted. Step back.

2 (The following proceedings were had in open court.)

3 THE COURT: Ladies and gentlemen, I sustained an
4 objection to the last question and to the answer that was
5 elicited. The -- one of the defense lawyers has moved to
6 strike the answer. I've granted the motion. That means that
7 to the extent that you remember the last question and answer,
8 you're to strike it from your memory. It's as though it
9 didn't happen. It is not in evidence. Next question.

10 Q (BY MS. HOFFMAN) During the course of your investigation
11 into the BGF Greenmount Regime, did you identify a individual
12 known by the name Digga?

13 A Yes.

14 Q Who is that?

15 A Marquise McCants.

16 Q And is he seated here in the courtroom today?

17 A He's seated next to Mr. Francomano, with the glasses, to
18 the left of him in the rear table.

19 Q Thank you. Could I have you read this letter for us,
20 Detective Hayden?

21 A Sure. "What it do love. This Roscoe. How shit is down
22 the KK man. Shit crazy down here. All the bitches is gone.
23 It ain't nothing but little ass bitches around and shit, but
24 you already know. You ain't the only one coming home to" --
25 excuse me, "you ain't the only one coming home too. Geezy

1 come home this summer too. Going to be hot one. I miss the
2 last one we got to get you all out. I had to write because I
3 felt bad. I been supposed to wrote you. I tried to get shit
4 right out here, some political shit. I see I'm about to get
5 on some '07 shit again. I'm trying to chill, but things ain't
6 going my way. I started smoking again. I be stressed out.

7 "Your brock trying to give me no gun at all. Keep trying
8 to talk to him. It's going out one ear, out the other. Oh,
9 yeah, old times, Snoogy Sister, Day" -- or "Snoogy Sister, Day
10 Day, like you the whole time. I told her I was going to write
11 you and shit. She said what -- would it do. She trying to
12 give you the pussy. I need you to come home so we can get
13 this bitch set off together, the n-word. Who going to stop us
14 yo, on the same straight savage shit? Write me back. Yo,
15 love you. Love you, Mwenzi, Roscoe." At the top it says,
16 "GMB for Life, Eusi Gyedi Jamaa."

17 Q Thank you. And in the course of your investigation,
18 Detective Hayden, have you been able to identify an individual
19 who goes by Roscoe?

20 A Roscoe is Kenneth Faison, who's Mr. Johnson's brother.

21 Q I'm showing you pages 5 to 6 of Government's Exhibit SM 9
22 that you previously identified as excerpts from an Instagram
23 account. And I think you have the full SM-9 in front of you
24 there, can you tell us which account this is from?

25 A SM-9 is the Instagram business record. It's registered

1 to -- the vanity name is datniccageeznutz, who through our
2 investigation we figured out was Gerald Johnson.

3 Q Okay. Now, looking at pages 5 -- starting with page 5
4 here, can you identify the individuals in this document
5 pictured here?

6 A Yeah. In the photo it's an unknown female to the left,
7 the picture to the upper right is Kenneth Faison, who's also
8 known as Roscoe. And underneath him is Gerald Johnson, also
9 known as Geezy.

10 Q And Detective Hayden, could you read the text that's in
11 the box there at the top?

12 A Sure. "My bro and favor in law. He taught me and I
13 taught him gun, gang, money. Gang, it's in our blood.
14 hashtag GoGetta, hashtag twins."

15 Q Can you read the date?

16 A It was June 24th of 2016.

17 Q Can you identify -- oh, I'm sorry. I'm going to approach
18 now with Government's Exhibit 48 and 49. So Detective Hayden,
19 I think you might have 48 and 49 in front of you.

20 A Yes.

21 Q Can you identify Government's Exhibit 48?

22 A 48 is a -- basically an apology letter from a member
23 known as Telly, who through our investigation we found out to
24 be Montel Harvey.

25 Q And I'm showing you here on the screen

1 Government's Exhibit No. GP 8, what are we looking at here?

2 A It's a Xerox copy of the front of the letter that I have
3 in front of me.

4 Q And could you read this letter for us?

5 A "Never put your hands on another brother. Never argue in
6 public with your brother. I should not have broke these laws
7 because I should always be loyal and committed to my brother
8 at all times, even if we're not on the same page or don't see
9 things the same. And I should let nothing come in between me
10 and my brother. I should have not let my attitude rise and
11 let my fire burn towards my brother no matter what. I should
12 not have let things go that far with my brother. I should
13 always love and respect my brother and stick together as one
14 and if you have a problem with your brother, pull him up and
15 talk to him. We are family."

16 "Me as a man should never have broken these laws and
17 always take things serious and think before you act. I should
18 not have broken these laws because I am not bigger than J. I
19 should always live by my a 55s and my oath. And I know
20 consequences could have been worst for the laws that I broke
21 and me as a soldier of Jamaa won't break them again. We
22 should always trust one another and stay together. And we
23 should not have nothing on our chest towards each other and we
24 should never fight, Telly. Long live the Guerillas."

25 Q And for the record, I turned to page 2 of

1 Government's Exhibit No. GP 8. During the course of your
2 investigation, were you able to identify a individual who goes
3 by Telly?

4 A Yes, it's Montel Harvey.

5 MS. HOFFMAN: Court's indulgence.

6 Q (BY MS. HOFFMAN) I'm showing you page 30 of
7 Government's Exhibit SM 3. And again, could you start by
8 telling us -- well, what are we looking at here?

9 A This is again a partial Facebook business record from the
10 Facebook search warrants that were executed.

11 Q And I think you have the full SM 3 in front of you, could
12 you identify which account this comes from?

13 A Yes. This one belongs to Wesley Brown, with the vanity
14 name of Wesley.Brown.77964, with the registered e-mail of
15 Wesley.Brown.77964@facebook.com and
16 Wesley.Brown1992@yahoo.com.

17 Q Thank you. Could you identify the individuals pictured
18 here?

19 A It's Wesley Brown on the left, Montel Harvey on the
20 right. I'm trying to --

21 Q It's a little grainy. If you can't see it, it's okay.

22 A I can't quite make out the individual on this picture in
23 the middle.

24 Q Detective Hayden, can you identify
25 Government's Exhibit 49 for us?

1 A 49 are other BGF paperwork that were located in
2 1716 Latrobe.

3 Q Okay. And I'm showing you Government's Exhibit GP 9,
4 what are we looking at here?

5 A It's a photocopy of one of the other pages of BGF
6 paperwork found.

7 Q Okay.

8 A With --

9 THE COURT: Found.

10 A Found at 1716 Latrobe.

11 Q (BY MS. HOFFMAN) Thank you. Now, I think you mentioned
12 that there was also drug evidence found in the house.

13 A Yes.

14 Q What drug evidence was found in the house?

15 A There were 52 gel caps of heroin, 16 blue top vials of
16 cocaine, and Tavon Thompson had 7 vials of cocaine on his
17 person.

18 Q Okay. I'm going to approach with Government's Exhibits
19 3A through E.

20 THE COURT: 3A, 3B, 3C, 3D, 3E; is that right,
21 Ms. Hoffman?

22 MS. HOFFMAN: That's right.

23 Q (BY MS. HOFFMAN) Can you identify these for the
24 record?

25 A Yes. 3A are the two gel caps that were found in the rear

1 bedroom with Wesley Brown. 3B are 16 blue top vials also
2 found in the second floor rear bedroom with Mr. Brown. 3C are
3 the -- are 50 additional gel caps of heroin that were located
4 in the second floor bedroom with Mr. Brown. And 3D and E are
5 six green tops and one silver top vial of cocaine that were
6 recovered from Tavon Thompson.

7 Q Okay. I'm showing you Government's Exhibit PHE 3 which
8 is a four-page document. Starting with the first page, can
9 you identify what we're looking at here?

10 A It's a photograph of the two gel caps that were found
11 individually. Item No. 1 is the plastic bag. Item No. 2,
12 it's hard to see, but there's actually two small white gel
13 caps that have heroin in them.

14 Q And page 2 of this document, can you identify what we're
15 looking at here?

16 A Sure. Item 1 are the 16 blue top vials that were located
17 in the house. And Item 2 was the plastic bag that they were
18 located in.

19 Q And page 3 of that document.

20 A Page 3 is a photograph of the 50 gel caps of heroin.
21 Item 1, plastic bag. Item 2 are 25 gel caps that were in the
22 bag. Item 3 was another plastic bag and Item 4 was 25
23 additional gel caps of heroin.

24 Q And finally page 4 of that document.

25 A That's a photograph of the green top and silver top vial

1 that were found on Tavon Thompson along with the Item No. 3,
2 which was the plastic bag they were found in.

3 THE COURT: Could we see No. 1 again? And then
4 No. 2. And what is that a picture of, sir?

5 A Item 1 are the 16 blue top vials of cocaine, and
6 Item No. 2 was the plastic bag that they were packaged in.

7 THE COURT: Now I understand. Thank you. Next
8 question.

9 MS. HOFFMAN: Your Honor, at this time I'd like to
10 read part of a stipulation into the record.

11 THE COURT: May I see it, please? Thank you. You
12 may recover the stipulation.

13 Ladies and gentlemen, we're now going to hear a
14 document read to you that's called a stipulation. A
15 stipulation is a simple statement of factual information. A
16 stipulation though, is something that the parties, all of
17 them, the government and the defendants, have agreed is true.
18 So it's not in dispute. If something is the subject of a
19 stipulation, you're to accept it as true. There's nothing for
20 you to decide with respect to it. It is true.

21 Before you read Stipulation No. 1, did I understand
22 correctly that you wanted to read a part of Stipulation No. 1?

23 MS. HOFFMAN: Yes.

24 THE COURT: Okay. Is there any objection to the
25 government reading the stipulation in segments, evidently

1 that's the intention? If not, you may proceed.

2 MS. HOFFMAN: Thank you. I'm going to read
3 paragraphs 3 through 7 of Stipulation 4.

4 THE COURT: Oh, it's Stipulation No. 4, excuse me.
5 I referred to it as Stipulation No. 1. It's Stipulation
6 No. 4?

7 MS. HOFFMAN: That's correct.

8 THE COURT: Thank you.

9 MS. HOFFMAN: Government's Exhibit No. 3A is two gel
10 capsules containing powder residue obtained during the
11 execution of a search warrant at 1716 Latrobe Street,
12 Baltimore, Maryland on April 26th of 2013. It is agreed and
13 stipulated by the parties that Monique Pitts of the BPD
14 laboratory section analyzed Government's Exhibit No. 3A and
15 determined that it contains heroin, a Schedule I controlled
16 substance.

17 Government's Exhibit No. 3B is 16 blue top vials
18 containing white rock like substance obtained during the
19 execution of a search warrant at 1716 Latrobe Street,
20 Baltimore, Maryland on April 26th, 2013. It is agreed and
21 stipulated by the parties that Ms. Pitts analyzed
22 Government's Exhibit 3B and determined it contains cocaine, a
23 Schedule II controlled substance.

24 Government's Exhibit 3C is 50 gel capsules
25 containing powder substance obtained during the execution of

1 the search warrant at 1716 Latrobe Street, Baltimore, Maryland
2 on April 26th, 2013. It is agreed and stipulated by the
3 parties that Ms. Pitts analyzed Government's Exhibit 3C and
4 determines that it contains heroin, a Schedule I controlled
5 substance.

6 Government's Exhibit No. 3D is six green top vials
7 containing rock like substance obtained during the execution
8 of a search warrant at 1716 Latrobe Street, Baltimore,
9 Maryland on April 26th of 2013. It is agreed and stipulated
10 by the parties that Ms. Pitts analyzed Government's Exhibit 3D
11 and determined that it contains cocaine, a Schedule II
12 controlled substance.

13 Finally, Government's Exhibit 3E is one silver top
14 vial containing rock like substance obtained during the
15 execution of a search warrant at 1716 Latrobe Street,
16 Baltimore, Maryland on April 26th of 2013. It is agreed and
17 stipulated by the parties that Ms. Pitts analyzed
18 Government's Exhibit 3E and determined that it contains
19 cocaine, a Schedule II controlled substance.

20 Ms. Pitts's drug analysis report regarding
21 Government's Exhibits 3A through 3E is admitted as
22 Government's Exhibit No. DL 3 without the necessity of her
23 testimony. And at this time I'd like to move
24 Government's Exhibit No. DL 3 into evidence.

25 THE COURT: You've referred to it, it is in. Ladies

1 and gentlemen, you're to take the matters that were the
2 subject of the stipulation that was just read to you as true.

3 Next question.

4 Q (BY MS. HOFFMAN) Okay. So we've talked about some of
5 the investigative techniques used and the search warrant at
6 1716 Latrobe Street. I'd like to have you introduce the jury
7 to some names and faces we're going to hear about during the
8 course of the trial, beginning with the defendants. I'm
9 showing you Government's Exhibit No. PHI 46, can you tell us
10 who we're looking at here?

11 A It's Gerald Johnson, who also goes by Geezy, who is
12 sitting at the front counsel table with the tan shirt on with
13 the glasses.

14 Q Okay. And I'm showing you page 27 of
15 Government's Exhibit SM 9, which you identified earlier as
16 excerpts from an Instagram account. And since you have SM-9
17 in front of you, can you identify which account this comes
18 from?

19 A Sure. SM-9, the registered e-mail is
20 gedathaprince@yahoo.com. The vanity name, datniccageeznutz,
21 which we found out to be Gerald Johnson, and the name that he
22 has is, I feel like John Gotti.

23 Q I'm going to show you page 1 of that document on the
24 screen here. Is this the document you were just reading
25 from?

1 A Yes.

2 MS. HOFFMAN: Your Honor, I'd like to ask to publish
3 this page to the jury because it's a little difficult to see
4 with the glare on the dock camera.

5 THE COURT: Clerk will publish the picture.

6 Q (BY MS. HOFFMAN) Actually, if I could ask one more
7 question before that, sorry.

8 Is there anything significant about Mr. Johnson's tattoos
9 in this picture?

10 A This is Mr. Johnson, like you said. In the photo it's
11 hard to see, but right here on his left forearm it actually
12 says Jamaa.

13 MS. HOFFMAN: Thank you. And I will publish this to
14 the jury.

15 Q (BY MS. HOFFMAN) Detective Hayden, did you have a
16 chance --

17 THE COURT: Let's let the publication be completed
18 first. You may continue.

19 Q (BY MS. HOFFMAN) Detective Hayden, did you have a chance
20 to photograph Mr. Johnson's tattoos last week?

21 A Yes, I did. Last Tuesday, in actually the U.S. Marshal's
22 holding cell, I photographed his tattoos.

23 Q I'm showing you Government Exhibit -- I'll let Camille
24 get back to her seat, sorry.

25 THE CLERK: Thank you.

1 Q (BY MS. HOFFMAN) I'm showing you Government's
2 Exhibit No. PHT 4, what are we looking at here?

3 A That's a close up of Mr. Johnson's left forearm where it
4 says Jamaa, but it looks like ballpoint pen was used to try to
5 make it either say Jamaal or Lamaal.

6 MR. O'TOOLE: Objection, Your Honor. Move to
7 strike.

8 THE COURT: You may approach.

9 (Bench conference on the record.)

10 THE COURT: Lack of foundation, sustained. I'm not
11 going to strike it yet though. I'm going to see if she can
12 lay a sufficient foundation for that opinion. I'm not sure it
13 requires any special scientific expertise to sort out what he
14 said. There's no foundation now. I agree completely and it's
15 sustained on that basis, but she might be able to lay a
16 foundation. Is that where you would intend to go?

17 MS. HOFFMAN: I don't believe he can testify as to
18 what was in the client's head, but he can say it looked like
19 ballpoint pen, I think. He could see that with his own
20 eyes.

21 THE COURT: If there's a sufficient foundation for
22 it; did you examine it, does it look like it, have you looked
23 at tattoos before. I'm not going to tell you how to do your
24 job, but you understand there's not a sufficient foundation
25 now. Whether or not something looks like it was drawn with

1 ballpoint pen in comparison to a normal tattoo, I think is
2 within the kin of a detective who has spent a lot of time
3 looking at tattoos, if he is such a detective. I guess we're
4 going to find out. You can continue to inquire. The
5 objection is sustained. See if you have foundation.

6 Ms. Hoffman, I have one other request of you, given
7 how we're proceeding with these exhibits and so far none have
8 drawn objections or very few have. But I think the best
9 practice is that you begin by saying, I am now going to show
10 you Exhibit No. 43. That gives a second or two for defense
11 counsel to be warned that this exhibit is coming, but it's not
12 displayed yet. If they were going to interpose an objection,
13 they would have a chance to do it. That's request number one.

14 Request number two is that when you're finished with
15 the exhibit, pull it, leave a blank screen for the jury, don't
16 leave the prior exhibit. Now, sometimes you might want to
17 leave an exhibit up there for a while because there's going to
18 be a lot of discussion about it or you're circling back to it,
19 but don't leave us staring at an image that you're finished
20 with when you go on to another topic. Just pull it.

21 MS. HOFFMAN: While we're here, I did want to use
22 this as an exhibit. It's a demonstrative, it's in the
23 binders. I just want to make sure there's no objection to it.
24 It's a side-by-side comparison of the two photos.

25 MR. O'TOOLE: If I could see that. They're so

1 different that I can't --

2 THE COURT: Your purpose in offering the exhibit, I
3 take it, and your suggestion of relevancy is you're attempting
4 to demonstrate perhaps some attention on the part of the
5 defendant to change his outward expression as to his embrace
6 of BGF a/k/a Jamaa.

7 MS. HOFFMAN: Not quite, Your Honor. I think it
8 shows consciousness of guilt because he's intentionally tried
9 to make the tattoo into something it's not.

10 THE COURT: That's what I said, you're taking it a
11 step further than what I said, but you're trying to show a
12 difference in how he expressed it on two different occasions;
13 is that it?

14 MS. HOFFMAN: Right.

15 THE COURT: Okay.

16 MR. O'TOOLE: I object to that.

17 THE COURT: This is the whole ballpoint pen thing.
18 Okay. So --

19 MR. O'TOOLE: I think somebody else beside this
20 detective, that somebody knows something about tattoos, just
21 put on --

22 MR. MARTINEZ: Why don't we put the photo in and
23 publish it to the jury? I don't see the difference.

24 MR. O'TOOLE: Because I oppose it.

25 THE COURT: There's an objection to it. Let me just

1 look at it for a moment. All right. What's the foundation we
2 have in the record with respect to each of the two pictures,
3 aren't the two pictures already each in?

4 MS. HOFFMAN: The first is an Instagram business
5 record.

6 THE COURT: It's already in.

7 MS. HOFFMAN: And the second, he took the photo.

8 THE COURT: Are both exhibits in?

9 MS. HOFFMAN: Yes.

10 THE COURT: That's SM-9 and PHT-4 are now in. So
11 the exhibits are both in. What's wrong with asking this
12 particular witness if he can see a difference between the two
13 and then describe what that difference is? Now, it's another
14 matter all together to draw an inference about what the
15 purpose was. And you may well object to that. We'll have to
16 address that if the government attempts to go down that
17 road.

18 MS. HOFFMAN: I instructed him not to do that.

19 THE COURT: In terms of asking him to look at two
20 exhibits that are already in evidence and note any differences
21 between the two, if he's able to do so, there's nothing wrong
22 with that.

23 MR. O'TOOLE: Part of the picture on top is so dark
24 and so difficult -- he's going to be guessing, he's going to
25 be speculating.

1 MS. HOFFMAN: That's why we published it.

2 THE COURT: That sounds like cross-examination to
3 me. It's coming in.

4 (The following proceedings were had in open court.)

5 THE COURT: Next question.

6 Q (BY MS. HOFFMAN) Detective Hayden, I'm going to show you
7 Government's Exhibit DEM 9 and without drawing any inferences,
8 can you simply describe whether you -- what we're looking at
9 here?

10 A The top photo was the photo of Mr. Johnson's forearm that
11 says Jamaa on it, in 2015. And the bottom one was the one I
12 photographed on November 21st of 2017 that had been altered.

13 Q Thank you.

14 MS. HOFFMAN: And Your Honor, I would ask to publish
15 this exhibit as well since the glare makes the photo quality
16 not so great.

17 THE COURT: Publish Exhibit DEM -- what is it, 3?

18 MS. HOFFMAN: DEM 9.

19 THE COURT: DEM 9. Next question.

20 Q (BY MS. HOFFMAN) Detective Hayden, I'm going to show you
21 Government's Exhibit PHT 5 now. What are we looking at
22 here?

23 A This is a photograph I took of Mr. Johnson, of his back
24 tattoo, which says Angel of Death.

25 Q Now, I'm going to show you page 9 -- I'm sorry, page 44

1 of Government's Exhibit SM 9, which you previously identified
2 as Gerald Johnson's Instagram account. What are we looking at
3 here?

4 A A post created on November 14th, 2012. It's a picture of
5 Mr. Johnson wearing a black bandana that says Geezy Jamaaville
6 Reloaded, with a gorilla in the left-hand corner.

7 Q Okay. I'm showing you page 1 of Government's Exhibit SM
8 8, and can you -- you previously identified this as excerpts
9 from a social media account, can you identify which account
10 this is?

11 A It's an excerpt from the Facebook business record. It's
12 registered to gzy.thaprince@facebook.com. The e-mail at
13 gedathaprince@yahoo.com with the vanity name of Gzy.ThePrince
14 and the registration date was December 22nd of '09.

15 Q I'm going to turn to page 3 of that exhibit. Can you
16 read the text in the box there?

17 A It's to "Will I am," who we learned from our
18 investigation to be Will Harris, from Geezy the Prince, who's
19 Mr. Johnson, on March 2nd, 2012. The text reads: "Free my
20 MF'ing, broski. I miss you every day, ma nicca, but you know
21 I'm out this bitch holding it down tiger. Moja hoba mwenzi."

22 Q I'm going to turn to page 4 of Government's
23 Exhibit No. 8. Can you read the text in this box, please?

24 A Sure. It was created on November 5th of 2015. The text
25 says Jamaa, but the status was deleted by user.

1 Q I'm going to show you page 5 from Government's
2 Exhibit SM 8. Can you read the text in the black box here?

3 A Sure. It's from Wesley Brown to Geezy the Prince on
4 August 16th, 2011. The text says, "You duck them dues
5 yesterday."

6 Q And I'm sorry, did you say who the to and from are?

7 A Yeah, to is Geezy the Prince, which is Mr. Johnson and
8 from was Wesley Brown.

9 Q Showing you page 11 of Government's Exhibit SM 8. Can
10 you read the text in these two boxes here?

11 A It was posted on June 6th of 2012. "Breaking news, north
12 around Greenmount Bar ain't right. A n-word just got his
13 issue. Shit er were, a snitch nicca. That's the shit I don't
14 like. Free my nicca. Respect that I hustle. Ily Shorty, we
15 still ouchin'. You can get it just like I told you, nicca."

16 And then the bottom one says, "New day, new me. I'm
17 cooling, mine right flag, left black," black is all caps, "all
18 day, I'm just J walking -- capital J -- with my nicca. We out
19 here locked and loaded 51/50."

20 Q Going to show you page 12 of Government's Exhibit SM 8.
21 Can you read the text in this box?

22 A Sure. The text, "That's coolin' it with some cool
23 bonitas and mwenzis. This is the life. It don't get no
24 better. We vivin' suspect niccas. Don't come outside, 51/50,
25 yeah dat."

1 Q Now, you mentioned earlier that you reviewed some YouTube
2 videos featuring the defendant; is that right?

3 A Correct.

4 Q And you mentioned that they were part of business records
5 that you received from YouTube.

6 A Yes.

7 Q Were those videos also publicly available?

8 A They were also on public websites so anybody could have
9 pulled them up on YouTube and viewed them.

10 Q Does Mr. Johnson talk about BGF in any of these publicly
11 available YouTube videos?

12 A In one of his video he basically says shout out to BGF
13 and then puts his finger in his mouth and says --

14 MR. O'TOOLE: Objection, Your Honor. Objection.

15 THE COURT: Approach.

16 (Bench conference on the record.)

17 THE COURT: Mr. O'Toole.

18 MR. O'TOOLE: My objection is he's sporadically
19 talking about certain parts -- if the videos are in, we can
20 put them in, play them -- play your videos, but he's picking
21 certain things and I just think that's the way it's passed --

22 THE COURT: Well, it's arguably hearsay.

23 MS. HOFFMAN: I'll play it. I'm just going to play
24 it.

25 THE COURT: Let the exhibits speak for themselves.

1 The objection is sustained and we'll just move on. Don't get
2 into the content with him, but somehow maybe you could tip him
3 through the questioning like, don't tell us what the content
4 is or some other signal so we just get through the
5 foundational laying that you seem to be engaged in here and I
6 understand why you might need to be. And then we'll move on
7 to the content at another point. Right.

8 MS. HOFFMAN: Okay. Thanks.

9 (The following proceedings were had in open court.)

10 THE COURT: Sustained.

11 MS. HOFFMAN: I'm going to play a clip from
12 Government's Exhibit CD 9, which you previously identified as
13 the disk containing YouTube videos featuring the defendant.

14 And Your Honor, at this time the government would
15 like to provide transcript binders to the jurors.

16 THE COURT: Objection? None. Let's approach.

17 (Bench conference on the record.)

18 THE COURT: Ms. Powell, discretely ask
19 Deputy Skroski to approach, please.

20 MR. O'TOOLE: My objection --

21 THE COURT: These are -- we're going to start
22 playing videos and she has -- she has transcript books that
23 she's prepared.

24 MR. O'TOOLE: Thank you very much, Your Honor. I
25 don't want the jury to think these are transcripts of --

1 someone's going to have to explain to them these are aids of
2 some sort.

3 THE COURT: Oh, I'll do that.

4 MS. HOFFMAN: Yeah.

5 THE COURT: That's standard first time they see a
6 transcript. And frankly, throughout the trial I'll always
7 remind them that this is -- someone from the government
8 prepared this transcript. If there's a variance between what
9 the transcript reveals and what their ears tell them, it's
10 what their ears tell them that's in evidence, not the
11 transcript. It's merely an aid.

12 MR. O'TOOLE: Thank you.

13 THE COURT: I plan to give that instruction.

14 MR. O'TOOLE: Thank you.

15 THE COURT: You may step back.

16 MR. MARTINEZ: I just wanted to make a record that
17 we did share all these transcripts with counsel.

18 MR. O'TOOLE: Accept --

19 THE COURT: Do we have any objections that any of
20 the transcripts are inaccurate, Mr. O'Toole?

21 MR. O'TOOLE: I just don't know.

22 MS. HOFFMAN: They can continue -- we don't have a
23 problem --

24 THE COURT: Well, as of this point you're not --
25 that would be a valid objection, if you have one at this

1 point, based on your pretrial review of the transcripts, if
2 you thought that they were inaccurate. So I want to give you
3 the opportunity to tell me now if you object on the grounds
4 that the transcripts are inaccurate.

5 MR. O'TOOLE: We found some very minor differences.
6 I can't tell the Court now that it's been exhausted enough to
7 be accurate as opposed to --

8 THE COURT: I'm giving you the opportunity to raise
9 an objection, I'm not hearing one.

10 MR. O'TOOLE: Thank you.

11 THE COURT: Mr. Bussard.

12 MR. BUSSARD: Not at the moment.

13 THE COURT: Mr. Francomano.

14 MR. FRANCOMANO: I've just received the transcripts
15 today. So I don't know if you're going to play them.

16 MR. MARTINEZ: Of what?

17 MR. O'TOOLE: That's the reworked transcripts.

18 MR. MARTINEZ: So we circulated the binder today,
19 which includes the documents that -- we previously circulated
20 versions of every document in that binder to counsel. The
21 updated ones pertain to the CDF recordings that the Court
22 heard during the motions hearing. As to those,
23 Mr. Francomano, those we don't anticipate offering until the
24 very end of the trial, so I don't think there are objections
25 to those.

1 MS. HOFFMAN: I think --

2 THE COURT: With respect to these transcripts which
3 the government plans to use this afternoon; right,
4 Mr. Francomano?

5 MR. FRANCOMANO: No, Your Honor.

6 THE COURT: Okay. You can step back, thank you.

7 (The following proceedings were had in open court.)

8 THE COURT: Ladies and gentlemen, we're going to
9 hear some audio evidence now. To assist you, I've authorized
10 the government to distribute to you binders that contain
11 transcripts that someone working for the government has
12 prepared. These transcripts purport to be a written version
13 of what you're hearing with your ears and we allow the jurors
14 to use the transcript as an aid to interpreting what they're
15 hearing with their ears. But you need to be very clear on
16 something and that is that the transcript is really just
17 someone else's suggestion of what it is that you're hearing
18 you may agree with that or you may not agree with it.

19 What matters is what you hear with your ears. It's
20 what you hear that is the evidence, so if there's a difference
21 between what you think you hear and what you read in the
22 transcript, then you should disregard the transcript and go
23 with what you hear. At the same time, the transcript can be
24 quite useful as you follow along listening to language that
25 might be difficult to understand or hear for one reason or

1 another. You're entitled to use the transcript for that
2 purpose. That's the first thing I want to tell you about
3 transcripts.

4 The second thing I want to tell you is that the
5 transcript books, they have many different transcripts in
6 them. And we will only be referring to one particular
7 transcript, which will be on specific pages at a particular
8 time. My instruction to you is only be looking at the
9 transcript that relates to what we are listening to at this
10 particular moment in time. There may be transcripts of other
11 matters of other recordings that are included in this binder
12 that may never actually come into evidence. So that's why
13 every time you're finished with the transcript that's being --
14 of the tape that's being played at that moment, the transcript
15 binders are going to be collected back from you. You're not
16 going to keep them. You just have them for the moment in time
17 when we're listening to that particular segment.

18 You're only to look at that particular segment while
19 that segment is being played. And I'll finish with where I
20 started: Remember, the transcript is just a suggestion of
21 what you might be hearing. It's what you hear that is
22 actually the evidence, not what you read. Okay.

23 MS. HOFFMAN: Thank you, Your Honor. If the jurors
24 could turn to the YouTube videos tab and turn to page 4.

25 THE COURT: YouTube videos tab, that looks like the

1 third tab in my book and then turn to page 4; is that it,
2 Ms. Hoffman?

3 MS. HOFFMAN: That is correct.

4 THE COURT: All right. You may proceed.

5 MS. HOFFMAN: I'm now going to play clip 2 from
6 Government's Exhibit CD 9.

7 (Video played.)

8 Q (BY MS. HOFFMAN) Okay. Detective Hayden, and I'm just
9 looking for a yes or no answer here.

10 THE COURT: You can close your books, ladies and
11 gentlemen.

12 Q (BY MS. HOFFMAN) Well, first of all, let me back up.
13 Can you identify the person speaking in the video we just
14 watched?

15 A That was Gerald Johnson.

16 Q And now I'm just going to ask you a yes or no question,
17 does Mr. Johnson talk about snitching in any of the publicly
18 available YouTube videos?

19 A Yes.

20 Q And I'm now going to play another clip from
21 Government's Exhibit CD 9, this will be clip 3.

22 And if the jurors could turn to page 6 in the YouTube
23 videos tab of the transcripts binder, they will find a
24 transcript prepared by the government.

25 THE COURT: And please wait before you play it until

1 I give you the signal. Okay. You may play it.

2 (Video played.)

3 THE COURT: Binders closed. Next question.

4 Q (BY MS. HOFFMAN) And again, I'm just going to ask you a
5 yes or no question, does Mr. Johnson talk about selling drugs
6 in any of the publicly available YouTube videos?

7 A Yes.

8 Q And I'm going to play another clip from Government's
9 Exhibit CD 9 and this is going to be clip 6.

10 And the jurors can find the transcripts for this clip on
11 page 10 in the YouTube videos tab of their transcript binders.

12 THE COURT: Okay. You may play it.

13 (Video played.)

14 MS. HOFFMAN: And that's all we're going to play of
15 that clip, Your Honor.

16 THE COURT: Okay. Binders closed. Next question.

17 Q (BY MS. HOFFMAN) Detective Hayden, are you able to
18 identify the individuals that we saw in the clip just now?

19 A Yes. It was Mr. Johnson, Ronnie Hall, who goes by Cakes,
20 and Carrdai Butler.

21 Q I'm sorry, what was the last one?

22 A Butler.

23 Q What was the first name?

24 A I believe it's like Carrdai.

25 Q Okay. Detective Hayden, I'm going to show you

1 Government's Exhibit PHI 47. Who are we looking at here?

2 A That is Kenneth Jones, who also goes by Slay, who is
3 seated at the far left of the defense table in the blue
4 button-up shirt.

5 Q Did you have a chance to take photographs of Mr. Jones's
6 tattoos last week?

7 A Yes, I did.

8 Q Showing you government's -- I'm going to show you
9 Government's Exhibit PHT 6.

10 THE COURT: Ladies and gentlemen, let's stop here
11 and take our afternoon recess. During our recess do not
12 discuss the case with anyone. Do not discuss the case even
13 among yourselves. You must wait until after you've heard all
14 the evidence, the closing arguments, and my instructions as to
15 the law. Do not allow yourselves to be exposed to any news
16 articles or reports that touch upon the case or the issues it
17 presents or any articles or reports that relate to any of the
18 participants in the case. Avoid all contact with any of the
19 participants in the trial. Do not make any independent
20 investigation of the law or the facts of the case. Do not
21 look up anything on the internet. Do not consult an
22 encyclopedia or a dictionary. 15-minute recess. Please take
23 the jury out.

24 (Jury left the courtroom.)

25 THE COURT: Recess 15 minutes.

1 (A recess was taken.)

2 THE COURT: Are we rearranging some technology or
3 are we okay?

4 MS. HOFFMAN: Laptop is running out of battery.
5 There's some problem with the power source.

6 THE COURT: It's not charging it up.

7 MS. HOFFMAN: I'm going to switch.

8 THE COURT: Try to get it.

9 (Pause in the proceedings.)

10 THE COURT: All right. Are you ready for the jury,
11 Ms. Hoffman?

12 MS. HOFFMAN: Yes.

13 THE COURT: Let's bring them.

14 (Jury entered the courtroom.)

15 THE COURT: Be seated, please. Ms. Hoffman, you may
16 continue your direct examination of Detective Hayden.

17 Q (BY MS. HOFFMAN) Detective Hayden, when we left off, I
18 believe we were talking about the defendant Kenneth Jones.
19 Did you have a chance to take photographs of Mr. Jones's
20 tattoos last week?

21 A Yes. I took those also on November 21st, which was last
22 Tuesday.

23 Q Going to show you Government's Exhibit PHT 6. Can you
24 tell us what we're looking at here?

25 A That's just a frontal view of Mr. Jones with his arms up,

1 frontal photo of his tattoos.

2 Q And I'm going to show you Government's Exhibit PHT 7.

3 What are we looking at here?

4 A This is his right shoulder, on Mr. Jones, and the tattoo
5 you can actually see the crossed arms X, and it's a little
6 blurry, but it says 276. And right here where it looks inked
7 out it actually says Jamaa on it.

8 Q Inside the 6 there?

9 A Inside the 6 coming out the top.

10 Q I'm going to show you Government's Exhibit PHT 8. What
11 are we looking at here?

12 A It's Mr. Jones's left waistband with a tattoo of a gun on
13 his left hip.

14 Q And I'm going to show you Government's Exhibit PHT 9.
15 What are we looking at here?

16 A This is Mr. Jones's left forearm that says Death Before
17 Dishonor.

18 Q And I'm going to show you Government's Exhibit PHT 10.
19 What are we looking at here?

20 A It's just a little further down his arm it says Live By
21 Die By and it has a cross, sword, and shotgun.

22 Q Going to show you page 28 of Government's Exhibit SM 3,
23 which you previously identified as excerpts from
24 Wesley Brown's Facebook account. What are we looking at
25 here?

1 A It's a photo of Wesley Brown and Kenneth Jones with other
2 individuals. They're the ones wearing the two identical
3 jackets.

4 Q Now I'm going to show you page 13 of
5 Government's Exhibit SM 8, which you previously identified as
6 excerpts from Gerald Johnson's Facebook account. Can you read
7 what -- can you read the text in the red box here?

8 A Yeah. It was published on -- posted November 28th of
9 2011. It says, "It's 10 ways nowadays, everybody saw you.
10 Shit's crazy. Free my nicca Chop and Hood, yeah, that,
11 thinking about my niccas, and free Dave, Slay, and Irky. See
12 you at it, Mr. Officer. Yeah, I love my niccas, all my n's
13 love me."

14 Q And you mentioned earlier that Slay is a nickname for
15 Kenneth Jones; is that right?

16 A Correct.

17 Q I'm showing you page 54 now of Government's Exhibit SM 8.
18 What are we looking at here?

19 A It's a photo of Kenneth Jones on the left, Gerald Johnson
20 on the right, and a couple people I can't make out in the
21 center.

22 Q I'm going to show you the very next page, 55. Can you
23 read the title and date information?

24 A The title is Life and Times of 24th and Barclay and the
25 date was April 9th of 2013.

1 Q I'm showing you now page 56 of Government's Exhibit 8,
2 what are we looking at here?

3 A It's another photo of a group of individuals with
4 Gerald Johnson in the middle doing a salute and Kenneth Jones
5 in the back with the God T-shirt or sweatshirt on.

6 Q Showing you page 6 of Government's Exhibit SM 8, can you
7 read what it says in this red box?

8 A Sure. It's basically a group of messages between
9 Black Haze Casket and Geezy the Prince. Starts off with
10 Black Haze Casket on October 4th of 2011. It basically says,
11 "Ha, ha, ha, how's shit looking for Slay?" Mr. Johnson
12 responds back, "He go to court the 27th of this month for
13 real." Black Haze Casket responds, "True, I been working real
14 shit, racks on rack, getting this fucking money, real shit."
15 Geezy the Prince responds back, "I got the block back, so
16 yeah, you already know." And then Geezy the Prince responds
17 again and just says, "Bumping."

18 Q And I'm showing you page 85 of Government's Exhibit SM 8,
19 can you read what it says in the red box there?

20 A It's authored by Geezy the Prince again, which is
21 Mr. Johnson, on October 4th of 2011. And the body says, "30s
22 on deck, Slay just hollered at you too."

23 Q For context, could you read the message just above that
24 one as well?

25 A From Black Haze Casket before that it says, "Where them

1 pills at, n-word?"

2 Q Showing you now Government's Exhibit PHT 56. Who are we
3 looking at here?

4 A It's Marquise McCants, also known as Digga.

5 Q Is he seated in the courtroom here today?

6 A Yes. He's seated with the glasses and button-up shirt at
7 the far rear table to the left of Mr. Francomano.

8 Q Going to show you Government's Exhibit No. PHT 2. What
9 are we looking at here?

10 A It's a photo of Mr. McCants's front of his body tattoo or
11 his tattoos on the front of his body. I believe this was
12 taken 2014.

13 Q And I'm going to show you the third page of that
14 document. What are we looking at here?

15 A It's his left chest, which says 276, which is the
16 alphanumeric indicator for BGF.

17 Q And I'm going to show you the second page of the
18 document. What are we looking at here?

19 A His upper arm, it says 276 again. Below it there's a
20 dragon.

21 Q And now the fifth page of that document, what are we
22 looking at here?

23 A It's a picture of a gorilla that actually says gorilla
24 next to it.

25 Q Detective Hayden, when were those photos taken, if you

1 know?

2 A I believe it was 2014.

3 Q Did you also have a chance to take photographs of the
4 defendant's tattoos last week?

5 A Yes, I did.

6 Q Going to show you Government's Exhibit No. PHT 13. What
7 are we looking at here?

8 A This is a picture of Mr. McCants's left chest. Again,
9 with 276 but with black ink over the top of it.

10 Q Detective Hayden, have you spent time studying tattoos of
11 members of the Greenmount Regime?

12 A Yes.

13 Q Do you also have tattoos?

14 A Yes.

15 Q Do you know what tattoo ink looks like?

16 A Yes.

17 Q And based on that, are you able to tell whether this
18 tattoo has been altered in any way?

19 A It looks like someone had taken black tattoo ink because
20 you can actually see up here and down here, there's still
21 scabs over the top of the 276 from where it would have been
22 written over with ink.

23 Q Going to show you Government's Exhibit DEM 10. What are
24 we looking at here?

25 A That's the comparison of Mr. McCants's 276 tattoo on his

1 left chest, one from May 2014, and the one I took on
2 November 21st of 2017, which is blacked over.

3 Q I'm going to show you Government's Exhibit PHT 14. What
4 are we looking at here?

5 A It's a picture of Mr. McCants's right arm, which says
6 Greenmount down it.

7 Q Now, you mentioned earlier, I believe, that you also
8 executed a search warrant on a Facebook account belonging to
9 Mr. McCants.

10 A Yes.

11 Q I'm going to show you Government's Exhibit SM 10.
12 Starting with the first page, can you read the text in the box
13 here?

14 A Yes. Again, it's a partial business record from
15 Facebook. The registered e-mail is Digga.McCants@facebook.com
16 with an e-mail of Digga276@yahoo.com with a vanity name of
17 Digga McCants.

18 Q Turn to page two of that document. And can you tell us
19 what we're looking at here?

20 A Again, partial business record from Facebook. The user
21 is Digga McCants and this is a list of friends on his Facebook
22 account.

23 Q I'm showing you page 3 of the document. Can you read the
24 names in boxes there?

25 A Roscoe Coochie Montana, without the dash, and

1 Fennell Harrison.

2 Q I'm going to show you page 4 of that document. Can you
3 read the name in that box?

4 A It's Nod Cornish.

5 Q Through your investigation have you been able to identify
6 an individual who goes by Nod?

7 A Individual by the name of nod is actually James Cornish,
8 who is actually a member of the BGF Greenmount Regime, who's
9 actually cooperating with law enforcement at this time.

10 Q I'm going to show you page 5 of that document. Can you
11 read the name in the red box there?

12 A That is Montel Harvey, who through the investigation and
13 who previously I talked about is known as Telly.

14 Q I'm going to show you page 6, can you read the names in
15 those boxes?

16 A GMB Egg and Nigel Smith. GMB Egg, through
17 investigation, Egg is Delando Belton, who is James Cornish's
18 brother.

19 Q I'm going to show you page 7 of the document. Can you
20 read the names there?

21 A Wesley Brown, who also goes by Wes; Norman Handy, who is
22 Norm; and Ronnie Hall, who through investigation, goes by
23 Cakes.

24 Q I'm going to show you page 8 of the document. Can you
25 read the name there?

1 A It's Ronald Johnson, who through investigation is
2 actually Ronald Brown, who goes by Rondo.

3 Q I'm going to show you page 9 of the document. Can you
4 read the text in this box here?

5 A Sure. It's from Roscoe Faison, who we know is
6 Kenneth Faison, to Digga McCants from July 29th of 2011:
7 "Keep thinking about you my, n-word. When it's all over this
8 time, we can't be implosive, only for the better. I love you,
9 Shorty. You know like I know, like the world know, y'all, dig
10 shit real, dis is real life shit. You, my n-word, my round,
11 my lil' brother, I never had time to think about our old
12 memories. It always puts a smile on my face. GMB for life.
13 Until we touchdown, you already know."

14 Q And I believe you testified earlier that Roscoe is a
15 nickname for Kenneth Faison; is that right?

16 A Correct.

17 Q I'm going to show you page 10 of this document. What are
18 we looking at here?

19 A So a picture of Mr. McCants making the BGF X in front of
20 himself.

21 Q I'm going to show you page 8 of Government's
22 Exhibit SM 3, which you previously identified as excerpts from
23 Wesley Brown's Facebook account. Can you read the text in
24 this box here?

25 A Just to make it rhyme, excuse my language, it's "free my

1 Nigga Digga."

2 Q And what's the date there?

3 A It is August 27th of 2010.

4 Q Going to show you page 45 of Government's Exhibit SM 9,
5 which you previously identified as excerpts from
6 Gerald Johnson's Facebook account. Can you read the text in
7 the box there?

8 A It's from November 15th of 2015, and the text says,
9 "Digga said he love you."

10 Q Going to show you page 47 of Government's Exhibit SM 9.
11 Can you read the text there?

12 A That's from April 20th of 2016 and the text says, "Digga
13 home."

14 Q Showing you Government's Exhibit PHI 8. Who are we
15 looking at here?

16 A That's Wesley Brown, also known as Wes or Shike White.

17 Q Is this the same Wesley Brown whose residence at
18 1716 Latrobe Street was a subject of a search warrant you
19 executed on April 26th of 2013?

20 A Yes, it was.

21 Q I'm going to show you page 54 of Government's Exhibit --
22 I'm sorry, I'm going to show you page 15 of
23 Government's Exhibit SM 8, which you previously identified as
24 Gerald Johnson's Facebook account. What are we looking at
25 here?

1 A The picture of Wes Brown on the left, Gerald Johnson in
2 the middle holding the money, two individuals I don't know,
3 and Ronnie Hall, who also goes by Cakes.

4 Q I'm going to show you Government's Exhibit PHI 45. Who
5 are we looking at here?

6 A That's David Hunter, also known as Dave or Little Dave.

7 MS. HOFFMAN: Court's indulgence. I apologize.

8 Q (BY MS. HOFFMAN) I'm going to show you Government's
9 Exhibit PHI 1. What are we looking at here?

10 A It's a picture of David Hunter's hand that actually says
11 BGF.

12 Q And I'll show you page 2 of that document. What are we
13 looking at here?

14 A It's a frontal picture of David Hunter along with his ID
15 above it, a photo of his ID above it.

16 Q I'm going to show you page 4 of that document. What are
17 we looking at here?

18 A The top picture is his left chest and it says RIP Lil'
19 Don 276, which again, the alphanumeric for BGF. And on his
20 back it's 276 in flames.

21 Q And I'm going to show you page 5 of that document. What
22 are we looking at in the top photo here?

23 A Top photo it actually says 24th, which is 24th and
24 Barclay.

25 Q Now, you mentioned earlier that you reviewed videos

1 posted to Mr. Johnson's Instagram account; is that right?

2 A Yes.

3 Q Does Mr. Johnson, the defendant, mention Dave in any of
4 those videos?

5 A Yes, he does.

6 Q I'm going to play a video from Government's Exhibit CD 3,
7 which you previously identified as Instagram videos from
8 Mr. Johnson's account.

9 This is going to be video No. 2 from Government's Exhibit
10 CD 3 and we do not have a transcript of this one.

11 THE COURT: No transcript. Okay. Thank you.

12 Q (BY MS. HOFFMAN) For the record, can you identify who
13 was speaking in that video?

14 A It was Gerald Johnson.

15 Q Going to show you Government's Exhibit PHI 27. Who are
16 we looking at here?

17 A That's Kenneth Faision, also goes by Roscoe, who is
18 Mr. Johnson's brother.

19 Q And is this the same Kenneth Faision we discussed earlier
20 in connection with the letter addressed to Digga?

21 A Yes.

22 Q Does he have any tattoos of significance?

23 MR. O'TOOLE: Objection, Your Honor.

24 THE COURT: Basis.

25 MR. O'TOOLE: Could we approach, Your Honor? I'll

1 be happy to say it out loud.

2 THE COURT: Okay. Is it a foundational objection?

3 MR. O'TOOLE: I'm sorry.

4 THE COURT: Is it a foundational objection?

5 MR. O'TOOLE: Yes, among others.

6 THE COURT: Well, if it's among others, I'll see you
7 at the bench.

8 (Bench conference on the record.)

9 MS. HOFFMAN: It was a poorly worded question.

10 MR. O'TOOLE: The foundation is including that he's
11 not an expert on tattoos. Soon he's going to say he has a
12 teardrop on his eye and that means a dead body.

13 THE COURT: Is that where we're going?

14 MS. HOFFMAN: No, he's going to say he has a 276
15 tattoo.

16 MR. O'TOOLE: He's got what?

17 THE COURT: 276. Okay. Any objection to --

18 MR. O'TOOLE: There is no picture.

19 MS. HOFFMAN: Sorry?

20 MR. MARTINEZ: There is no picture.

21 MS. HOFFMAN: We don't have a picture.

22 THE COURT: How does he know, has he seen it?

23 MS. HOFFMAN: Yeah, he's seen it.

24 THE COURT: You've got to lay a foundation.

25 Sustained. Lack of foundation.

1 (The following proceedings were had in open court.)

2 THE COURT: Sustained. You may inquire.

3 Q (BY MS. HOFFMAN) Detective Hayden, have you had an
4 opportunity to observe Mr. Faison's tattoos?

5 A Yes.

6 Q And does he have any tattoos relevant to your
7 investigation?

8 A Yeah, he also has a 276 tattoo.

9 Q I'm going to show you Government's Exhibit PHI 38. Who
10 are we looking at here?

11 A That is Norman Handy, who also goes by Norm or Little
12 Norm.

13 Q And you mentioned earlier that you executed -- well, let
14 me ask you this, did you execute a search warrant on any
15 social media accounts belonging to Mr. Handy?

16 A Yes.

17 Q I'm going to show you Government's Exhibit SM 6 starting
18 with page 1. What are we looking at here?

19 A It's a Facebook business -- partial Facebook business
20 record again, with the -- name of the account is Norman Handy.
21 With the e-mail of normanhandy94@yahoo.com, registered as
22 Norman.Handy.1042@facebook.com, with the vanity name of
23 Norman.Handy.10, with a registration date of
24 August 5th, 2010.

25 Q I'm going to show you page 2 of this document. What are

1 we looking at here?

2 A That is Norman Handy and an individual known as Archie
3 making the BGF X in front of their bodies.

4 MR. O'TOOLE: Objection, Your Honor. Move to
5 strike.

6 THE COURT: Sustained for lack of foundation.

7 Motion to strike is denied. You may continue.

8 MS. HOFFMAN: I'm going to move on, Your Honor.

9 THE COURT: Okay.

10 Q (BY MS. HOFFMAN) I'm going to show you page 4 of this
11 document. I don't think the quality is quite good enough for
12 you to be able to see this, so I'm not going to show you that.

13 I'm going to show you page 28 of Government's Exhibit SM
14 29, which you previously identified as excerpts from Gerald
15 Johnson's Instagram account. Can you actually just read the
16 text next to user at the bottom?

17 A Comments user is dattnic cageeznutz, I Feel Like John
18 Gotti.

19 Q I'm show you the next very next page, page 29 of that
20 document. Can you read the text in the box please?

21 A It was created November 12th, 2015 and it says, "They
22 love me like a fat kid love cake. Free Wes and Norm and Veto
23 and Sco, all my Day 1's."

24 Q Let me show you Government Exhibit PHI 6. Who are we
25 looking at here?

1 A That's Joseph Bonds, who also went by Joe or Yo Gotti.

2 Q And I'm going to show you Government's Exhibit SM 2.

3 What are we looking at here?

4 A It's David Hunter on the left, looks like Joe Bonds on
5 the right with George Jackson --

6 MR. O'TOOLE: Objection.

7 A -- shirts making the X in front of themselves.

8 THE COURT: Next question.

9 Q (BY MS. HOFFMAN) I'm going to show you page 6 of
10 Government's Exhibit SM 3, which you previously identified as
11 excerpts from Wesley Brown's Facebook account.

12 THE COURT: Counsel you may approach.

13 (Bench conference on the record.)

14 THE COURT: The court reporter caught you making an
15 objection that I didn't hear you make. Did you make an
16 objection?

17 MR. O'TOOLE: I said the word objection, then I
18 stopped because he didn't say -- what I'm trying to figure out
19 is -- I think it's trying to stop him from using the cross
20 thing. So you said it was -- he said something else about the
21 picture instead of the cross and then he said -- then he used
22 the words "with their arms crossed in front of them," which is
23 fine.

24 THE COURT: Well, is your objection to a correlation
25 between crossed arms and BGF?

1 MR. O'TOOLE: Yes.

2 THE COURT: Okay. And is -- what's the government's
3 position with respect to whether they should be permitted to
4 ask this witness whether the crossed arms are a -- correlate
5 to BGF, is that not your intention? If that is your
6 intention, what's your basis for doing so?

7 MS. HOFFMAN: I mean, we haven't qualified him as an
8 expert. However, there's been a lot of testimony already that
9 the X means BGF and he certainly -- I think he certainly knows
10 it means BGF based on his investigation.

11 MR. MARTINEZ: I think in an abundance of caution we
12 can avoid having him draw the inference that the crossed
13 arms --

14 THE COURT: Don't cross your arms.

15 MR. O'TOOLE: Let's all cross arms.

16 MR. MARTINEZ: -- is a BGF X, because there will be
17 testimony from members of the gang later that that's in fact
18 what it is. So for now he can just say this is a photo of
19 David Hunter and Joseph Bonds making an X with his arms. What
20 we will instruct him not to do is to take the extra step and
21 say that is a BGF sign or symbol.

22 THE COURT: Okay.

23 MR. MARTINEZ: If the Court wouldn't mind, could we
24 have a moment with him to --

25 THE COURT: No, because that's too awkward.

1 Instead, the way we'll get around it is by Ms. Hoffman simply
2 leading him through that part of the testimony. If you're
3 going to have crossed arms, then when you get to the crossed
4 arms part of your questioning, just say, "And he has got his
5 arms crossed, does he not, yes or no?" And you get a yes
6 answer and then move on so that he doesn't have the
7 opportunity to volunteer that which is objected to.

8 MS. HOFFMAN: I think he didn't that time; correct?

9 THE COURT: There's no problem at all with what just
10 happened. I'm going to overrule the objection in just a
11 moment. But I think it's still beneficial to all of us to get
12 this sorted out that that's how it's going to go. Just lead
13 him around, you're not trying to get it in through him anyway.
14 You evidently have other sources.

15 MR. O'TOOLE: I withdraw the objection.

16 THE COURT: Your objection is withdrawn. You know
17 what you're going to do; right, Ms. Hoffman?

18 (The following proceedings were had in open court.)

19 THE COURT: The objection is withdrawn. Next
20 question.

21 Q (BY MS. HOFFMAN) Can you identify the people in this
22 photograph, Detective Hayden?

23 A I'm sorry, can you say that again?

24 Q Can you identify the people in this photograph?

25 THE COURT: What exhibit number?

1 MS. HOFFMAN: I'm sorry, this was page 6 of
2 Government's Exhibit SM 3, which was previously identified as
3 excerpts from Wesley Brown's Facebook account.

4 THE COURT: Thank you. You can answer it if you
5 can.

6 A The gentleman in the center in the pinkish purple shirt
7 is Joe Bonds. To his right is Delando Belton, also known as
8 Egg. Mr. Johnson is standing behind him with the white hat
9 and white shirt and then the far left-hand corner in the
10 Adidas shirt Lamontae Smith, also known as Chop.

11 Q (BY MS. HOFFMAN) I'm going to show you
12 Government's Exhibit PHI 41. Who are we looking at here?

13 A That's Montel Harvey, who also goes by Telly.

14 Q And is this the same Montel Harvey, a/k/a Telly, who we
15 discussed earlier in connection with the apology letter?

16 A Yes.

17 Q Going to show you Government's Exhibit No. PHI 2. Who
18 are we looking at here?

19 A That is Willie Ben Miller, who also went by Ben. So
20 that's it.

21 Q Is he alive?

22 A No, he was killed in 2013.

23 Q Want to show you Government's Exhibit No. PHI 35. Who
24 are we looking at here?

25 A That's Shawn Gregg, also known as Hood.

1 Q And is he living?

2 A No, he was also killed.

3 Q What year was he killed?

4 A He was killed in 2015, I believe. Or 2013, I believe.

5 It --

6 Q You don't have to speculate, that's okay.

7 A With him I can't remember.

8 Q I'm going to show you page 37 of Government's Exhibit SM
9 8, which you previously identified as pages from Gerald
10 Johnson's Facebook account. What are we looking at here?

11 A That's a Facebook record page of Shawn Gregg and
12 Mr. Johnson. And in the title it says, "Free my nicca Hood
13 ASAP. We miss you, Shorty."

14 Q I'm going to show you page 72 of Government's
15 Exhibit SM 8. What are we looking at here?

16 A Looks like a picture in front of 2412 Barclay with
17 Mr. Johnson in the red hat; Ronnie Hall in the front bending
18 down, who goes by Cakes; Will Harrison in the like, triangle
19 sweater, who goes by Will-i-am; Wesley Brown, Wes, Wes Brown,
20 Shawn Gregg, who goes by Hood; and Ronald Brown in the back.

21 Q And can you use your pointer to show which one you said
22 is Shawn Gregg?

23 A Indicating.

24 Q Thank you. Going to show you Government's
25 Exhibit PHI 83. What are we looking at here?

1 A That's Trevon White, who also goes by Country.

2 Q And is he alive?

3 A No, he was killed in 2013 also.

4 Q Going to show you page 22 of Government's Exhibit SM 8,
5 which again, you identified as Gerald Johnson's Facebook
6 account. What are we looking at here?

7 A That's Trevon White, Country, making the X in front of
8 his body. And it's hard to see, but actually in this tattoo
9 it says In Jamaa We Trust.

10 Q I'm going to show you page 17 of Government's
11 Exhibit SM 3, which you identified as excerpts from Wesley
12 Brown's Facebook account. The glare is bad, but can you see
13 who's in this photo?

14 A That's Trevon White, Country; Wesley Brown, Wes;
15 Shawn Gregg, Hood; Ronnie Hall, Cakes.

16 Q Going to show you Government's Exhibit PHI 21. Who are
17 we looking at here?

18 A That's actually James Cornish, who goes by Nod, who is
19 actually the BGF member that's now assisting with law
20 enforcement.

21 Q I'm going to show you page 18 of Government's
22 Exhibit SM 8, which you previously identified as Gerald
23 Johnson's Facebook account. Again, the glare makes it a
24 little difficult to see.

25 A It's hard but yellow hat is Will Harris; that's James

1 Cornish; trying to hide behind the balloon is Mr. Johnson;
2 looks like Ronnie Hall, Cakes, in front of Mr. Johnson.

3 Q Going to show you Government's Exhibit No. PHI 73. Who
4 are we looking at here?

5 A That's Lamontae Smith, also known as Chop, who's also a
6 member of BGF, but who is also assisting law enforcement at
7 this time.

8 Q I'm going to show you page 66 of Government's
9 Exhibit SM 8. What are we looking at here?

10 A It's a picture from one of the -- from the Facebook
11 accounts. Yeah, the Facebook business record. The title's
12 "You already know, my N, I have a bitch" and it's
13 Gerald Johnson, Cardai Butler, and Lamontae Smith, Chop, on
14 the far right in the green.

15 Q I'm going to show you page 70 from
16 Government's Exhibit SM 8, which again, you identified as
17 Gerald Johnson's Facebook. What are we looking at here?

18 A The top it says Barclay GMB, then you have Lamontae
19 Smith, Gerald Johnson, Will Harris, looks like Ronnie Hall,
20 Shawn Gregg, and I can't make out the picture on the left.

21 Q I'm going to show you Government's Exhibit PHI 58. Who
22 are we looking at here?

23 A That's Christopher Meadows, who's also a member of YGF
24 and BGF in the Greenmount Regime and who's also assisting law
25 enforcement at this time.

1 Q Going to show you Government's Exhibit PHI 92. Who are
2 we looking at here?

3 A That's Ronald Brown, who also goes by Rondo.

4 Q I'm going to show you Government's Exhibit SM 12. The
5 glare makes it a little bit hard to see, but can you tell us
6 what we're looking at here?

7 A It's a Facebook page from Ronald Johnson, which we found
8 to be Ronald Brown's Facebook page with a picture of him on
9 the front.

10 Q I'm going to show you Government's Exhibit SM 13. What
11 are we looking at here?

12 A It's a picture of Ronald Brown holding up the 2 and the 4
13 with his hands for 24th Street.

14 Q Does Ronald Brown appear in any of the YouTube videos
15 with Gerald Johnson?

16 A Yes, he does.

17 Q Going to play you a short clip from
18 Government's Exhibit CD 9, which you previously identified as
19 business records returned from YouTube.

20 THE COURT: Transcript?

21 MS. HOFFMAN: We don't have a transcript of this
22 portion, it's very short.

23 (Video played.)

24 Q (BY MS. HOFFMAN) Can you identify the person who was
25 speaking in that clip?

1 A It was Ronald Brown.

2 Q Going to show you Government's Exhibit PHI 1. This is a
3 little blurry, but can you tell us who we're looking at
4 here?

5 A That's Delando Belton, also known as Eggy, James
6 Cornish's brother.

7 Q Is that the same PHE 39 and PHE 40?

8 A Yes.

9 Q Going to show you Government's Exhibit PHI 26. Who are
10 we looking at here?

11 A His nickname is Archie, and to be honest, I'm blanking on
12 his actual name at this time.

13 Q That's okay. Is it the same Archie we saw in
14 Government's Exhibit SM 6 with Norman Handy?

15 A Yes.

16 Q Showing you page -- going to show you
17 Government's Exhibit PHI 81. Who are we looking at here?

18 A It's Henry Walker, who also goes by Stimey or Hank.

19 Q I'm showing you page 25 of Government's Exhibit SM 8,
20 which you previously identified as Gerald Johnson's Facebook
21 account. What are we looking at here?

22 A That's Gerald Johnson and Henry Walker.

23 Q Going to show you page 32 of the same document. Can you
24 identify the individuals in this photograph?

25 A Gerald Johnson's to the left, Mr. Walker is to the

1 right.

2 Q And just a yes or no question, is Mr. Walker crossing his
3 arms in front of his body?

4 A Yes.

5 Q Going to show you Government's Exhibit PHI 37. Who are
6 we looking at here?

7 A That's Ronnie Hall, who also goes by Cakes.

8 Q Did you also execute a search warrant on a Facebook
9 account of Ronnie Hall's?

10 A Yes, I did.

11 Q Let me show you Government's Exhibit SM 5 starting with
12 page 1.

13 THE COURT: I'll see counsel.

14 (Bench conference on the record.)

15 THE COURT: So is this a good place to break for the
16 night or are you about to wind up a certain segment that would
17 be worth spending five more minutes with so that we're at a
18 more natural break point? Where are we?

19 MS. HOFFMAN: I'm getting pretty close. I would say
20 maybe another 15 minutes.

21 THE COURT: That's too long. So we'll stop now and
22 pick up tomorrow morning. Okay.

23 (The following proceedings were had in open court.)

24 THE COURT: Ladies and gentlemen, we have reached
25 the end of our trial day and I'm going to excuse you for the

1 evening in just a moment. By now you're probably able to
2 state the instructions to me just as easily as I'm able to
3 state them to you. And I recognize that you're probably tired
4 of hearing them, but you are going to hear them before every
5 single break because that's our rule. And I suppose what you
6 can draw from that is the fact that the instructions are very
7 important; so important that the rules require that they be
8 provided to the jurors literally every time that they leave
9 the courtroom.

10 So during this overnight recess do not discuss the
11 case with anyone. Do not discuss it with your fellow jurors.
12 Do not discuss it with any of your friends or family. If you
13 are inquired of as to what's going on with your juror service,
14 you may tell them only that you are serving on a jury in
15 federal court in a criminal case, that the trial's expected to
16 last until about the third week of January, that you've been
17 instructed by the judge that you're not allowed to talk to
18 them about the case, and that if you are going to speak with
19 them at all, it would only be after the trial has been
20 completed. Do not allow yourselves to be exposed to any news
21 articles or reports that touch upon the case or the issues it
22 presents or the participants in the trial. Avoid all contact
23 of any kind with any of the participants in the trial. Do not
24 make any independent investigation of the law or the facts of
25 the case.

1 Do not conduct internet searches with respect to the
2 issues presented or the persons participating in the trial.
3 Do not consult external sources such as encyclopedias or
4 dictionaries in reference to the issues and terms that have
5 been presented to you here. We will endeavor to begin at 9:30
6 tomorrow morning. Please plan to be here by 9:20 or so. The
7 jury is excused for the evening. Please take the jury out.

8 (Jury left the courtroom.)

9 THE COURT: Are the transcript books going to be in
10 use, say, tomorrow first half of the day?

11 MS. HOFFMAN: I don't think so, Your Honor.

12 MR. MARTINEZ: There is a chance I may use it with
13 one witness who we talked about.

14 THE COURT: Let's go ahead and collect up the
15 transcript books now. And Ms. Powell, if you would return
16 them to the government and we'll pass them out again when we
17 arrive at the next point for their use. Is there anything
18 else that we need to take up outside the hearing of the jury,
19 Mr. Martinez?

20 MR. MARTINEZ: No, sir.

21 THE COURT: Counsel for the defendants.

22 MR. ENZINNA: No, sir.

23 MR. BUSSARD: No, sir.

24 THE COURT: The defendants are remanded to the
25 custody of the Marshal. Counsel are excused. The witness

1 remains under oath and we will see you back here tomorrow
2 morning.

3 (The proceedings were concluded.)

4 I, Christine Asif, RPR, FCRR, do hereby certify that
5 the foregoing is a correct transcript from the stenographic
6 record of proceedings in the above-entitled matter.

7 _____/s/_____
Christine T. Asif
8 Official Court Reporter

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